

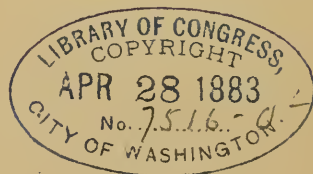




OUTLINES OF THE
CONSTITUTIONAL HISTORY
OF THE
UNITED STATES

BY

LUTHER HENRY PORTER



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1883

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BY

HENRY HOLT & Co.

DEDICATED
TO
MY WIFE.

PREFACE.

This work is designed to be a beginning book for students, or general readers, who desire to learn something of the character and history of the Constitution of the United States. It is an elementary account of government in the United States. It gives a brief statement of the main facts of our constitutional history ; but it does not profess to be a "constitutional history" in the full meaning of the term.

For the general reader or for high-school use it probably covers sufficient ground. For the college student it attempts simply to point the way to extended study by a brief but connected review of the main facts, showing what is of chief importance for further study, and embracing those political documents which every student of our history must thoroughly understand.

The plan of the work is :—

I.—A simple account of the forms of government which existed before the Revolution. The discussion of each subject is followed by a chart which embraces the substance of the text in a tabulated form. This is intended to enable the reader to classify and correct his impressions, and to give the student a basis for further study.

II.—An explanation of the reason for the nature of the different clauses of the Constitution.

III.—A brief review of the principal events of our political history. In this part, the historical grouping is in harmony with the principles which controlled the government. Federal Supremacy covers the period of 1789-1801. Republican Supremacy deals with 1801-1825. Federal-Republicanism is 1825-1829. Modern-Democracy is 1829-1861. The War and its Consequences is 1861-1881.

A number of political documents are incorporated in the body of the work. They are arranged in this manner in order that they may have their chronological place and meet the eye in their historical position.

I make no claim to present new facts. My aim is to present the fundamental facts of our constitutional history in a manner that will make them clear to those who look upon them for the first time.

L. H. P.

EAST ORANGE, N. J. *March*, 1883.

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I

ORIGIN OF THE CONSTITUTION.

OUTLINES OF CONSTITUTIONAL HISTORY.

CHAPTER I. COLONIAL GOVERNMENT.

The thirteen American colonies, which revolted from Great Britain in 1776, were settled, chiefly by the English, in the seventeenth and eighteenth centuries. All the colonies received, at their organization, forms of constitutional government, similar to those which had been enjoyed in England. Their rights were specified in charters which declared that the colonists possessed the same privileges as if resident in England. From the start the settlers felt that they were English subjects. Their charters granted them equal rights with their countrymen at home. They were heartily loyal to England, and did not waver in their attachment until the provisions of their charters were violated by the crown. The colonial governments were composed of a governor, a council, and a general assembly. In all the colonies they were of the same nature though somewhat different in form. Their *nature* was constitutional. Their *forms* differed according to the circumstances of their settlement, and were Provincial, Proprietary and Charter.

At the Revolution the provincial form of colonial government existed in seven colonies. By it, the King appointed the governor, deputy-governor and council for the province. The governor possessed broad powers.

He had charge of the courts and military, and convened the assembly or lower house of the legislature. His council constituted the upper house.

Proprietary government existed in three colonies. It corresponded to the provincial, with this difference:—The person, or proprietor, to whom the colony had been granted, exercised the powers which the King himself exercised in provincial governments.

Charter governments existed in three colonies. To these colonies the King had granted charters which gave them, substantially, the right of local self-government. The governor, council and assembly were, generally, chosen by the people themselves.

The first charter given to an American colony was received by Virginia in 1606. It located the first colony between the thirty-fourth and forty-first degrees of latitude, and the second colony between the thirty-eighth and forty-fifth degrees. It gave them exclusive control of the adjacent land and islands; it provided for a council of thirteen for their government and another council of thirteen in England, the latter to have the “superior managing” of the government. It further provided for their defense and for a due proportion of all precious metals to be paid to the King. It also declared that “all and every the persons being our subjects which shall dwell and inhabit within every or any of the said several colonies and plantations and every of their children which shall happen to be born within any of the limits and precincts of the said several colonies and plantations shall have and enjoy all liberties, franchises and immunities within any of our other dominions, to all intents and purposes as if they had been abiding and born within this our realm of England.” This provision kept the colonists on the same footing they had enjoyed in England. All their rights were preserved to them.

“Instructions for the government of Virginia” were

issued the same year, appointing a council authorized to nominate local councils. These local councils were to see that the service of the church of England was established and used. Certain offenses were made capital ; others were to be punished at the discretion of the councils. "For five years the trade and industry of the colonists were to remain a common stock."

Virginia was a royal or provincial colony. Its charter, therefore, serves as an example of the charters of the royal colonies. The text of the first charter is as follows :

KING JAMES I's Letters Patent to Sir THOMAS GATES, Sir GEORGE SOMERS, and others, for two several colonies and plantations, to be made in Virginia, and other parts and territories of America. Dated, April 10, 1606.

JAMES, by the Grace of God, King of England, Scotland France and Ireland, Defender of the Faith, etc. Whereas, our loving and well-disposed Subjects, Sir Thomas Gates, and Sir George Somers, Knights, Richard Hackluit, Clerk, Prebendary of Westminster and Edward-Maria Wingfield, Thomas Hantam, and Raleigh Gilbert, Esqrs., William Parker, and George Popham, Gentlemen, and divers others of our loving Subjects, have been humble suitors unto us, that We would vouchsafe unto them our Licence, to make Habitation, Plantation, and to deduce a colony of sundry of our People into that part of America commonly called VIRGINIA, and other parts and Territories in America, either appertaining unto us, or which are not actually possessed by any Christian Prince or People, situate, lying, and being all along the Sea Coasts, between four and thirty Degrees of Northerly Latitude from the Equinoctial Line, and five and forty Degrees of the same Latitude, and in the main Land, between the same four and thirty and five and forty Degrees, and the Islands thereunto adjacent, or within one hundred miles of the Coast thereof ;

And to that End, and for the more speedy accomplishment of their said intended Plantation and Habitation there, are desirous to divide themselves into two several Colonies and Companies ; the one consisting of certain Knights, Gentlemen, Merchants, and other Adventurers, of our City of London and elsewhere, which are, and from time to time shall be, joined unto them, which do desire to begin their Plantation and Habitation in some fit and convenient Place, between four and thirty and one and forty Degrees of the said Latitude, amongst the Coasts of Virgin-

ia, and the Coasts of America aforesaid: And the other consisting of sundry Knights, Gentlemen, Merchants, and other Adventurers, of our Cities of Bristol and Exeter, and of our Town of Plimouth, and of other Places, which do join themselves unto that Colony, which do desire to begin their Plantation and Habitation in some fit and convenient Place, between eight and thirty Degrees and five and forty Degrees of the said Latitude, all alongst the said Coasts of Virginia and America, as that Coast lyeth: We, greatly commending, and graciously accepting of, their desires for the Furtherance of so noble a Work, which may, by the Providence of Almighty God, hereafter tend to the Glory of his Divine Majesty, in propagating of Christian Religion to such People, as yet live in Darkness and miserable Ignorance of the true knowledge and Worship of God, and may in time bring the Infidels and Savages, living in those parts, to human Civility, and to a settled and quiet Government: Do, by these our Letters Patents, graciously accept of, and agree to, their humble and well-intended Desires;

And do therefore, for Us, our Heirs and Successors, GRANT and agree, that the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, and Edward-Maria Wingfield, Adventurers of and for our City of London, and all such others, as are, or shall be, joined unto them of that Colony, shall be called the First Colony; And they shall and may begin their said first Plantation and Habitation, at any Place upon the said Coast of Virginia or America, where they shall think fit and convenient, between the said four and thirty and one and forty Degrees of the said Latitude; And that they shall have all the Lands, Woods, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the said first Seat of their Plantation and Habitation by the space of fifty miles of English Statute Measure, all along the said Coast of Virginia and America, towards the West and Southwest, as the Coast lyeth, with all the Islands within one hundred miles directly over against the same Sea Coast; And also all the Lands, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Waters, Marshes, Fishings, Commodities, and Hereditaments, whatsoever, from the said Place of their first Plantation and Habitation for the space of fifty like English miles, all alongst the said coasts of Virginia and America, towards the East and Northeast, or towards the North, as the Coast lyeth, together with all the Islands within one hundred miles, directly over against the said Sea Coast; And also all the Lands, Woods, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the same fifty miles every way on the Sea Coast, directly into the main land

land by the space of one hundred like English miles ; And shall and may inhabit and remain there ; and shall and may also build and fortify within any of the same, for their better Safeguard and Defence, according to their best Discretion, and the Discretion of the Council of that Colony ; And that no other of our Subjects shall be permitted, or suffered, to plant or inhabit behind, or on the Backside of them, towards the main Land, without the Express License or Consent of the Council of that Colony, thereunto in Writing first had and obtained.

And we do likewise, for Us, our Heirs and Successors, by these Presents, GRANT and agree, that the said Thomas Hanning, and Raleigh Gilbert, William Parker, and George Popham, and all others of the Town of Plimouth in the County of Devon, or elsewhere, which are, or shall be, joined unto them of that Colony, shall be called the second Colony ; And that they shall and may begin their said Plantation and Seat of their first Abode and Habitation, at any Place upon the said Coast of Virginia and America, where they shall think fit and convenient, between eight and thirty Degrees of the said Latitude, and five and forty Degrees of the same Latitude ; And that they shall have all the Lands, Soils, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the first seat of their Plantation and Habitation by the Space of fifty like English miles, as is aforesaid, all alongst the said Coasts of Virginia and America, towards the West and Southwest, or towards the South, as the Coast lyeth, and all the Islands within one hundred miles, directly over against the said Sea Coast ; And also all the Lands, Soils, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the said Place of their first Plantation and Habitation for the Space of fifty like miles, all alongst the said Coast of Virginia and America, towards the East and Northeast, or towards the North, as the Coast lyeth, and all the Islands also within one hundred miles directly over against the same Sea Coast ; And also all the Lands, Soils, Grounds, Havens, Ports, Rivers, Woods, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the same fifty miles every way on the Sea Coast, directly into the main Land, by the Space of one hundred like English miles ; And shall and may inhabit and remain there ; and shall and may also build and fortify within any the same for their better Safeguard, according to their best Discretion, and the Discretion of the Council of that Colony ; And that none of our Subjects shall be permitted, or suffered, to plant or inhabit behind, or on the back of them, towards the main Land, without express Licence of

the Council of that Colony, in Writing thereunto first had and obtained.

Provided always, and our Will and Pleasure herein is, that the Plantation and Habitation of such of the said Colonies, as shall last plant themselves, as aforesaid, shall not be made within one hundred like English Miles of the other of them, that first began to make their Plantation, as aforesaid.

And we do also ordain, establish, and agree, for Us, our Heirs, and Successors, that each of the said Colonies shall have a Council, which shall govern and order all Matters and Causes, which shall arise, grow or happen, to or within the same several Colonies, according to such Laws, Ordinances, and Instructions, as shall be, in that behalf, given and signed with Our Hand or Sign Manual, and pass under the Privy Seal of our Realm of England; Each of which Councils shall consist of thirteen Persons, to be ordained, made, and removed, from time to time, according as shall be directed and comprised in the same Instructions; And shall have a several Seal, for all Matters that shall pass or concern the same several Councils; Each of which Seals, shall have the King's Arms engraven on the one Side thereof, and his Portraiture on the other; And that the Seal for the Council of the said first Colony shall have engraven round about, on the one Side, these Words; *Sigillum Regis Magnæ Britaniæ, Franciæ, et Hiberniæ*; and on the other Side this Inscription round about; *Pro Concilio prima Colonia Virginia*. And the Seal for the Council of the said second Colony shall also have engraven, round about the one Side thereof, the aforesaid Words; *Sigillum Regis Magnæ Britannia, Franciæ, et Hibernia*; and on the other Side; *Pro Concilio secunda Colonia Virginia*:

And that also there shall be a Council established here in England, which shall, in like Manner, consist of thirteen Persons, to be, for that Purpose, appointed by Us, our Heirs and Successors, which shall be called our Council of Virginia; And shall, from time to time, have the superior Managing and Direction, only of and for all Matters that shall or may concern the Government, as well of the said several Colonies, as of and for any other Part or place, within the aforesaid Precincts of four and thirty and five and forty Degrees above-mentioned; Which Council shall, in like manner, have a Seal, for Matters concerning the Council or Colonies, with the like Arms and Portraiture, as aforesaid, with this Inscription, engraven round about on the one Side; *Sigillum Regis Magnæ Britannia, Franciæ, et Hibernia*; and round about on the other Side, *Pro Concilio suo Virginia*.

And moreover, we do GRANT and agree, for us, our Heirs and Successors, that the said several Councils of and for the said

several Colonies, shall and lawfully may, by Virtue hereof, from time to time, without any Interruption of Us, our Heirs or Successors, give and take Order, to dig, mine, and search for all Manner of Mines of Gold, Silver, and Copper, as well within any Part of their said several Colonies, as of the said main Lands, on the Backside of the same Colonies; And to HAVE and enjoy the Gold, Silver, and Copper, to be gotten thereof, to the Use and Behoof of the same Colonies, and the Plantations thereof; YEILDING therefore to Us, our Heirs and Successors, the fifth Part only of all the same Gold and Silver, and the fifteenth Part of all the same Copper, so to be gotten or had, as is aforesaid, without any other Manner of Profit or Account, to be given or yeilded to Us, our Heirs, or Successors, for or in Respect of the same :

And that they shall, or lawfully may, establish and cause to be made a Coin, to pass current there between the people of those several Colonies, for the more Ease of Traffic and Bargaining between and amongst them and the Natives there, of such Metal, and in such Manner and Form, as the said several Councils there shall limit and appoint.

And we do likewise, for Us, our Heirs, and Successors, by these Presents, give full Power and Authority to the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham and to every of them, and to the said several Companies, Plantations, and Colonies, that they, and every of them, shall and may, at all and every time and times hereafter, have, take, and lead in the said Voyage, and for and towards the said several Plantations, and Colonies, and to travel thitherward, and to abide and inhabit there, in every the said Colonies and Plantations, such and so many of our Subjects, as shall willingly accompany them or any of them, in the said Voyages and Plantations; With sufficient Shipping, and Furniture of Armour, Weapons, Ordinance, Powder, Victual, and all other things, necessary for the said Plantations, and for their Use and Defence there: PROVIDED always, that none of the said Persons be such, as shall hereafter be specially restrained by Us, our Heirs, or Successors.

Moreover, we do, by these Presents, for Us, our Heirs, and Successors, GIVE AND GRANT Licence unto the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and to every of the said Colonies, that they, and every of them, shall and may, from time to time, and at all times forever hereafter, for their several Defences, encounter, expulse, repel, and resist, as well by Sea as by Land, by all Ways and Means whatsoever, all and every such Person or Persons, as

without the especial Licence of the said several Colonies and Plantations, shall attempt to inhabit within the said several Precincts and Limits of the said several Colonies and Plantations, or any of them, or that shall enterprise or attempt, at any time hereafter, the Hurt, Detriment, or Annoyance, of the said several Colonies or Plantations.

Giving and Granting, by these Presents, unto the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, and their Associates of the said first Colony, and unto the said Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and their Associates of the said second Colony, and to every of them, from time to time, and at all times hereafter, Power and Authority to take and surprise, by all Ways and Means whatsoever, all and every Person and Persons, with their Ships, Vessels, Goods, and other Furniture, which shall be found trafficking into any Harbour, Harbours, Creek or Creeks, or Place, within the Limits or Precincts of the said several Colonies and Plantations, not being of the same Colony, until such time, as they, being of any Realms or Dominions under our Obedience, shall pay, or agree to pay, to the Hands of the Treasurer of that Colony, within whose Limits and Precincts they shall so traffic, two and a half upon every Hundred, of any thing, so by them trafficked, bought or sold; And being Strangers, and not Subjects under our Obedience, until they shall pay five upon every Hundred, of such Wares and Merchandise, as they shall traffic, buy, or sell, within the Precincts of the said several Colonies, wherein they shall so traffic, buy, or sell as aforesaid; WHICH Sums of Money, or Benefit, as aforesaid, for and during the Space of one and twenty Years, next ensuing the Date thereof, shall be wholly employed to the Use, Benefit, and Behoof of the said several Plantations, where such traffic shall be made; And after the said one and twenty years ended, the same shall be taken to the Use of Us, our Heirs, and Successors, by such Officers and Ministers, as by Us, our Heirs, and Successors, shall be thereunto assigned or appointed.

And we do further, by these Presents, for Us, our Heirs and Successors, GIVE AND GRANT unto the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, and Edward-Maria Wingfield, and to their Associates of the said first Colony and Plantation, and to the said Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and their Associates of the said second Colony and Plantation, that they, and every of them, by their Deputies, Ministers, and Factors, may transport the Goods, Chattels, Armour, Munition, and Furniture, needful to be used by them, for their said Apparel, Food, Defence, or otherwise in Respect of the said Plantations, out of our Realms of England and Ireland, and all other our Dominions, from

time to time, for and during the Time of seven Years, next ensuing the Date hereof, for the better relief of the said several Colonies and Plantations, without any Customs, Subsidy, or other Duty, unto Us, our Heirs, or Successors, to be yielded or paid for the same.

Also we do, for Us, our Heirs, and Successors, DECLARE, by these Presents, that all and every the Persons being our Subjects, which shall dwell and inhabit within every or any of the said several Colonies and Plantations, and every of their Children, which shall happen to be born within any of the Limits and Precincts of the said several Colonies and Plantations, shall HAVE and enjoy all Liberties, Franchises, and Immunities, within any of our other Dominions, to all Intents and Purposes, as if they had been abiding and born, within this our realm of England, or any other of our said Dominions.

Moreover, our gracious Will and Pleasure is, and we do, by these Presents, for Us, our Heirs, and Successors, declare and set forth, that if any Person or Persons, which shall be of any of the said Colonies and Plantations, or any other, which shall traffic to the said Colonies and Plantations, or any of them, shall, at any time or times hereafter, transport any Wares, Merchandise, or Commodities, out of any of our Dominions, with a Pretence to land, sell, or otherwise dispose of the same, within any the Limits and Precincts of any of the said Colonies and Plantations, and yet nevertheless, being at Sea, or after he hath landed the same within any of the said Colonies and Plantations, shall carry the same into any other foreign Country, with a Purpose there to sell or dispose of the same, without the Licence of Us, our Heirs, and Successors, in that Behalf first had and obtained; that then, all the Goods and Chattels of such Person or Persons, so offending and transporting, together with the said Ship or Vessel, wherein such Transportation was made, shall be forfeited to Us, our Heirs, and Successors.

Provided always, and our Will and Pleasure is, and we do hereby declare to all Christian Kings, Princes, and States, that if any Person or Persons which shall hereafter be of any of the said several Colonies and Plantations, or any other, by his, their, or any of their Licence and Appointment, shall, at any Time or Times hereafter, rob or spoil, by Sea or Land, or do any Act of unjust and unlawful Hostility to any the Subjects of Us, our Heirs, or Successors, or any the Subjects of any King, Prince, Ruler, Governor, or State, being then in League or Amity with Us, our Heirs, or Successors, and that upon such Injury, or upon just Complaint of such Prince, Ruler, Governor, or State, or their Subjects, We, our Heirs, or Successors, shall make open Proclamation, within any of the Ports of our Realm of England, commodious for that purpose, That the said Person or

Persons, having committed any such Robbery, or Spoil, shall, within the term to be limited by such Proclamations, make full Restitution or Satisfaction of all such Injuries done, so as the said Princes, or others so complaining, may hold themselves fully satisfied and contented; And, that if the said Person or Persons, having committed such Robbery or Spoil, shall not make, or cause to be made, Satisfaction accordingly, within such Time so to be limited, That then it shall be lawful to Us, our Heirs, and Successors, to put the said Person or Persons, having committed such Robbery or Spoil, and their Procurers, Abettors, and Comforters, out of our Allegiance and Protection; And that it shall be lawful and free, for all Princes, and others to pursue with hostility the said offenders, and every of them, and their and every of their Procurers, Aiders, abettors, and comforters in that behalf.

And finally, We do for Us, our Heirs, and Successors, GRANT and agree, to and with the said Sir Thomas Gates, Sir George Somers, Richard Hackluit, Edward-Maria Wingfield, and all others of the said first colony, that We, our Heirs and Successors, upon Petition in that Behalf to be made, shall, by Letters Patents under the Great Seal of England, GIVE and GRANT, unto such Persons, their Heirs and Assigns, as the Council of that Colony, or the most part of them, shall, for that Purpose, nominate and assign all the Lands, Tenements, and Hereditaments, which shall be within the Precincts limited for that Colony, as is aforesaid, TO BE HOLDEN of Us, our Heirs, and Successors, as of our Manor of East Greenwich, in the County of Kent, in free and common Soccage only, and not in Capite :

And do in like manner, Grant and Agree, for Us, our Heirs, and Successors, to and with the said Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, and all others of the said second Colony, That We, our Heirs, and Successors, upon Petition in that Behalf to be made, shall, by Letters Patent, under the Great Seal of England, GIVE and GRANT, unto such Persons, their Heirs and Assigns, as the Council of that Colony, or the most Part of them, shall for that Purpose nominate and assign, all the Lands, Tenements, or Hereditaments, which shall be within the Precincts limited for that Colony, as is aforesaid, TO BE HOLDEN of Us, our Heirs, and Successors, as of our Manor of East Greenwich, in the County of Kent, in free and common Soccage only, and not in Capite.

All which Lands, Tenements, and Hereditaments, so to be passed by the said several Letters Patent, shall be sufficient Assurance from the said Patentees, so distributed and divided amongst the Undertakers for the Plantation of the said several Colonies, and such as shall make their plantations in either of the

said several Colonies, in such Manner and Form, and for such Estates, as shall be ordered and set down by the Council of the said Colony, or the most part of them, respectively, within which the same Lands, Tenements, and Hereditaments shall lie or be; Although Express Mention of the true yearly Value or Certainty of the Premises, or any of them, or of any other Gifts or Grants, by Us or any of our Progenitors or Predecessors, to the aforesaid Sir Thomas Gates, Knt., Sir George Somers, Knt., Richard Hackluit, Edward-Maria Wingfield, Thomas Hanham, Raleigh Gilbert, William Parker, and George Popham, or any of them, heretofore made, in these Presents, is not made; Or any Statute, Act, Ordinance, or Provision, Proclamation, or Restraint, to the contrary hereof had, made, ordained, or any other Thing, Cause, or Matter Whatsoever, in anywise notwithstanding. IN WITNESS whereof, we have caused these our Letters to be made Patents; Witness Ourselves at Westminster, the tenth Day of April, in the fourth Year of our Reign of England, France, and Ireland, and of Scotland the nine and thirtieth.

LUKIN,

Per breve de privato Sigilla.

Three years after the grant of the first charter a second charter was given to enlarge and define the powers of the Virginia-Company. Its title was "King James the I's second charter to the Treasurer and Company of Virginia, erecting them into a corporation and body politic, and for the further enlargement and explanation of the privileges of the said company and first colony of Virginia. Dated May 23, 1609."

In its provisions and style it resembled the first charter. It enlarged the territory of the company and provided for the appointment of a governor by the council for the colony in England to manage its affairs.

Two years later a third charter was granted the Virginia company. It was called "A third Charter of King James I. to the Treasurer and Company for Virginia. Dated March 12, 1611-12."

It further extended the "limits and territories" of the colony and made provision for some other matters, "as time and experience hath found to be needful and convenient." The most important of these other matters

was that the Virginia Company in England (the stockholders instead of the council) might hold a session or court, once a week or oftener, for the management of the ordinary affairs of the colony, and that for the great affairs four "Great and General Courts" should be held yearly.

Nine years later the Virginia Company granted "An Ordinance and Constitution of the Treasurer, Council and Company in England, for a Council of State and General Assembly. Dated July 24, 1621."

The object of this ordinance was to "settle such a form of government there, as may be to the greatest benefit and comfort of the people, and whereby all injustice, grievances, and oppression may be prevented and kept off as much as possible from the said colony." To that end they established "two supreme councils in Virginia, for the better government of the Colony aforesaid."

"The one of which councils, to be called the Council of State (and whose office shall chiefly be assisting, with their care, advice, and circumspection, to the said governor) shall be chosen, nominated, placed, and displaced, from time to time, by us, the said Treasurer, Council and Company and our successors. * * * Which said Counsellors and Council we earnestly pray and desire, and in his Majesty's name strictly charge and command, that (all Factions, Partialities, and sinister respect laid aside) they bend their care and endeavors to assist the said governor; first and principally, in the advancement of the honor and service of God, and the enlargement of his kingdom amongst the heathen people; and next, in erecting of the said colony in due obedience to his majesty, and all lawful authority from his majesty's directions; and lastly, in maintaining the said people in justice and christian conversation amongst themselves, and in strength and ability to withstand their enemies. And this council to be always, or for the most part, residing about or near the governor,

“The other council, more generally to be called by the governor, once yearly, and no oftener, but for very extraordinary and important occasions, shall consist, for the present, of the said council of state, and of two burgesses out of every town, hundred, or other particular plantation, to be respectively chosen by the inhabitants. Which council shall be called *THE GENERAL ASSEMBLY* wherein (as also in the said council of state) all matters shall be decided, determined and ordered, by the greater part of the voices then present ; reserving to the governor always a negative voice. And this general assembly shall have free power to treat, consult, and conclude, as well of all emergent occasions concerning the public weal of the said colony and every part thereof, as also to make, ordain, and enact such general laws and orders, for the behoof of the said colony, and the good government thereof, as shall, from time to time, appear necessary and requisite.

“Whereas in all other things we require the general assembly, as also the said council of state to imitate and follow the policy of the form of government, laws, customs, and manner of trial, and other administrations of justice used in the realm of England as near as may be, even as ourselves, by his majesty’s Letters Patent, are required.

“Provided that no law or ordinance, made in the said general assembly, shall be or continue in force or validity, unless the same shall be solemnly ratified and confirmed in a general quarter court (provided for in the third charter) of the said company here in England, and so ratified, to be returned to them under our seal; it being our intent to afford the like measure also unto the said colony, that after the government of the said colony shall once have been well framed, and settled accordingly, which is to be done by us, as by authority derived from his majesty, and the same shall have been so by us declared,

no orders of court afterwards shall bind the said colony, unless they be ratified in like manner in the general assemblies. In Witness," etc.

The first settled of the proprietary colonies was Maryland. In 1632 Lord Baltimore received a charter, done in Latin. It began in the usual manner describing the object of the new settlement ; setting its boundaries, and making grant of all mines, minerals and other valuables found, or to be found, within the plantation. Lord Baltimore and his heirs are made "true and absolute lords and proprietors" of the colony, which is erected into a province and called Maryland. Full power is given them to enact laws "by and with the advice, assent and approbation of the freemen of the said province, or their delegates which shall be assembled "in such sort and form as to him and them shall seem best." The laws are to be "as near as may be" to those of England.

The colonists are to be "held, treated, reputed and esteemed" as "if born within the Kingdom of England." They are to enjoy all the privileges of Englishmen, "any statute, act, ordinance or provision to the contrary thereof notwithstanding." They are to have full privileges of trade, paying customs and duties "as the rest of our subjects of our Kingdom of England, for the time being, shall be bound to pay ; beyond which we will not that the inhabitants of the aforesaid province of Maryland shall be any charged." It is further provided that the crown shall at no time lay any tax whatsoever upon the province "on lands, tenements, goods or chattels * * * or in or upon any goods or merchandise."

This charter is very liberal in its provisions. The proprietor is given control over the province. He is, however, to govern according to these provisions, and in conformity to the laws of England. Full freedom is given the colonists ; a popular assembly is constituted, and they

are exempted from all exceptional dues and charges. Under such a fundamental law the spirit of liberty could find full development. Other charters were made similar to it. The full text is as follows:—

MARYLAND CHARTER, granted by KING CHARLES I. to CÆCILIVS, LORD BARON OF BALTIMORE. June 28, 1632.

[*Translated from the Latin original.*]

CHARLES, by the Grace of God, King of England, Scotland, France, and Ireland, defender of the faith, etc. To all to whom these presents shall come, greeting: Whereas our right trusty and well-beloved subject Cæcilius Calvert, Baron of Baltimore, in our kingdom of Ireland, son and heir of Sir George Calvert, knight, late Baron of Baltimore, in the same kingdom of Ireland, pursuing his father's intentions, being incited with a laudable and pious zeal for the propagation of the Christian faith, and the enlargement of our empire and dominion, hath humbly besought leave of us, by his industry and charge, to transport an ample colony of the English nation unto a certain country hereafter described in the parts of America not yet cultivated and planted, though in some parts thereof inhabited by a certain barbarous people, having no knowledge of the Almighty God; and hath humbly besought our royal Majesty to give, grant, and confirm the said country, with certain privileges and jurisdictions, requisite for the said government and state of his colony and country, aforesaid, to him and his heirs forever.

Know ye therefore, That we, favoring the pious and noble purpose of the said barons of Baltimore, of our especial grace, certain knowledge, and mere motion, have given, granted, and confirmed, and by this our present charter, for us, our heirs and successors, do give, grant and confirm, unto the said Cæcilius, now Baron of Baltimore, his heirs and assigns, all that part of a peninsula, lying in the parts of America, between the ocean on the east, and the bay of Chesapeak on the west, and divided from the other part thereof by a right line drawn from the promontory or cape of land called Watkins Point (situate in the aforesaid bay, near the river of Wighco) on the west, unto the main ocean on the east; and between that bound on the south unto that part of Delaware Bay on the north, which lieth under the fortieth degree of northerly latitude from the equinoctial where New England ends; and all that tract of land between the bounds aforesaid; that is to say, passing from the aforesaid unto the aforesaid bay called Delaware Bay, in a right line by the degree aforesaid, unto the true meridian of the first fountain

of the river Potomac, and from thence tending toward the south unto the further bank of the aforesaid river, and following the west and south side thereof unto a certain place called Cinquack, situate near the mouth of the said river, where it falls into the bay of Chesapeak, and from thence by a straight line unto the aforesaid promontory and place called Watkins Point (so that all that tract of land divided by the line aforesaid, drawn between the main ocean and Watkins Point, unto the promontory called Cape Charles, and all its appurtenances, do remain entirely excepted to us, our heirs and successors for ever).

We do also grant and confirm to the said Lord Baltimore, his heirs and assigns, all islands and islets within the limits aforesaid, and all and singular the islands and islets which are or shall be in the ocean, within ten leagues from the eastern shore of the said country toward the east, with all and singular ports, harbors, bays, rivers, and inlets belonging unto the country and islands aforesaid; and all the soil, lands, fields, woods, mountains, fens, lakes, rivers, bays, and inlets, situate or being within the limits and bounds aforesaid. With the fishing of all sorts of fish, whales, sturgeons, and all other royal fishes in the sea, bays, inlets, or rivers, within the premises, and the fish therein taken.

And moreover all veins, mines, and quarries, as well discovered as not discovered, of gold, silver, gems, and precious stones, and all other whatsoever, be it of stones, metals, or of any other thing or matter whatsoever, found, or to be found, within the country, isles and limits aforesaid.

And furthermore the patronages and advowsons of all churches, which (as Christian religion shall increase within the country, isles, islets, and limits aforesaid) shall happen hereafter to be erected; together with licence and power to build and found churches, chapels, and oratories, in convenient and fit places within the premises, and to cause them to be dedicated and consecrated according to the ecclesiastical laws of our kingdom of England: together with all and singular the like, and as ample rights, jurisdictions, privileges, prerogatives, royalties, liberties, immunities, royal rights and franchises, of what kind soever, temporal, as well by sea as by land, within the country, isles, islets, and limits aforesaid; to have, exercise, use and enjoy the same, as amply as any bishop of Durham, within the bishoprick or county palatine of Durham, in our kingdom of England, hath at any time heretofore had, held, used, or enjoyed, or of right ought or might have had, held, used, or enjoyed.

And him the said now Lord Baltimore, his heirs and assigns, we do by these presents for us, our heirs, and successors, make, create, and constitute the true and absolute lords and proprietaries of the said country aforesaid, and of all other the premises, (except before excepted) saving always the faith and allegiance,

and sovereign dominion due unto us, our heirs and successors, To have, hold, possess, and enjoy the said country, isles, inlets, and other the premises, unto the said now Lord Baltimore, his heirs and assigns, to the sole and proper use and behoof of him the said now Lord Baltimore, his heirs and assigns for ever.

To be holden of us, our heirs and successors, Kings of England, as of our castle of Windsor, in our county of Berks, in free and common soccage, by fealty only, for all services, and not in capite, or by knight's service; yeilding and paying therefore to us, our heirs and successors, two Indian arrows of those parts, to be delivered at our said castle of Windsor, every year, the Tuesday in Easter week, and also the fifth part of all gold and silver ore, within the limits aforesaid, which shall from time to time, happen to be found.

Now, that the said country, thus by us granted and described, may be eminent above all other parts of the said territory, and dignified with large titles, Know ye, that we, of our further grace, certain knowledge, and mere motion, have thought fit to erect the same country and islands into a province; as out of the fullness of our royal power and prerogative, we do for us, our heirs and successors, erect and incorporate them into a province, and do call it Maryland, and so from henceforth we will have it called.

And forasmuch as we have hereby made and ordained the aforesaid now Lord Baltimore, the true lord and proprietary of all the province aforesaid: Know ye, therefore, that we, reposing special trust and confidence in the fidelity, wisdom, justice, and provident circumspection of the said now Lord Baltimore, for us, our heirs and successors, do grant free, full, and absolute power, by virtue of these presents, to him and his heirs, for the good and happy government of the said country, to ordain, make, enact, and under his and their seals to publish, any laws whatsoever, appertaining either unto the public state of the said province, or unto the private utility of particular persons, according to their best discretions, by and with the advice, assent, and approbation of the freemen of the said province, or the greater part of them, or of their delegates or deputies, whom for the enacting of the said laws, when and as often as need shall require, we will, that the said now Lord Baltimore, and his heirs, shall assemble in such sort and form as to him and them shall seem best, and the said laws duly to execute upon all people within the said province and limits thereof, for the time being, or that shall be constituted under the government and power of him or them, either sailing towards Maryland, or returning from thence towards England, or any other of ours or foreign dominions, by imposition of penalties, imprisonment, or any other punishment: yea, if it shall be needful, and that the

quality of the offence require it, by taking away members or life, either by him the said now Lord Baltimore, and his heirs, or by his or their deputies, lieutenants, judges, justices, magistrates, officers, and ministers, to be ordained or appointed, according to the tenor and true intentions of these presents; and likewise to appoint and establish any judges, justices, magistrates, and officers, whatsoever, at sea and land, for what cause soever, and with what power soever, and in such form as to the said now Lord Baltimore, or his heirs, shall seem most convenient; also to remit, release, pardon, and abolish, whether before judgment or after, all crimes and offences whatsoever, against the said laws, and to do all and every other thing or things, which unto the complete establishment of justice unto courts, praetories, and tribunals, forms of judicature, and manners of proceedings, do belong, although in these presents express mention be not made thereof; and by judges by them delegated to award process, hold pleas, and determine, in all the said courts and tribunals, all actions, suits, and causes whatsoever, as well criminal as civil, personal, real, mixt, and praetoreal, which laws, so, as aforesaid, to be published, our pleasure is, and so we do enjoin, require, and command, shall be most absolute and available in law; and that all the liege people and subjects of us, our heirs and successors, do observe and keep the same inviolably, in those parts, so far as they concern them, under the pains therein expressed, or to be expressed; provided nevertheless, That the said laws be consonant to reason, and be not repugnant or contrary, but, as near as conveniently may be, agreeable to the laws, statutes, and rights of this our kingdom of England.

And forasmuch as in the government of so great a province, sudden accidents do often happen, whereunto it will be necessary to apply a remedy, before the freeholders of the said province, or their delegates or deputies, can be assembled to the making of laws; neither will it be convenient, that instantly upon every such emergent occasion, so great a multitude should be called together; therefore, for the better government of the said province, we will and ordain, and by these presents for us, our heirs and successors, do grant unto the said Lord Baltimore, and his heirs, by themselves, or by their magistrates and officers, in that behalf duly to be ordained, as aforesaid, to make and constitute fit and wholesome ordinances, from time to time, within the said province, to be kept and observed, as well for the preservation of the peace, as for the better government of the people there inhabiting, and publicly to notify the same to all persons whom the same doth or may any way concern; which ordinances, our pleasure is, shall be observed inviolably, within the said province, under the pains therein to be expressed; so as the said ordinances be consonant to reason, and be not repugnant nor

contrary to the laws and statutes of the kingdom of England ; and so as the said ordinances be not extended in any sort, to bind, charge, or take away the right or interest of any person or persons, or of their life, members, freehold, goods or chattels.

Furthermore, that this new colony may the more happily increase by the multitude of people resorting thither, and may likewise be the more strongly defended from the incursions of savages, or other enemies, pirates and robbers : therefore we, for us, our heirs and successors, do give and grant, by these presents, power, licence, and liberty, unto all the liege people and subjects, both present and future, for us, our heirs and successors, (excepting those who shall be expressly forbidden) to transport themselves and families into the said province, with convenient shipping, and fitting provisions, and there to settle themselves, dwell and inhabit ; and to build and fortify castles, forts, and other places of strength for the public, and their own private defence, at the appointment of the said now Lord Baltimore, and his heirs, the statute of fugitives, or any other whatsoever, the contrary of the premises, in any wise notwithstanding

And we will also, and of our more special grace, for us, our heirs and successors, we do strictly enjoin, constitute, ordain, and command, That the said province shall be of our allegiance and that all and singular the subjects and liege people of us, our heirs and successors, transported or to be transported into the said province, and the children of them, and of such as shall descend from them, there already born, or hereafter to be born, be, and shall be denizens and lieges of us, our heirs and successors, of our kingdoms of England and Ireland, and be in all things held, treated, reputed and esteemed, as the liege faithful people of us, our heirs and successors, born within the kingdom of England ; and likewise, any lands, tenements, revenues, services and other hereditaments whatsoever, within our kingdom of England, and other our dominions, may inherit, or otherwise purchase, receive, take, hold, have, buy and possess, and then may occupy and enjoy, give, sell, alien and bequeath, as likewise all liberties, franchises and privileges, of this our kingdom of England, freely, quietly and peaceably, have and possess, occupy and enjoy, as our liege people, born, or to be born, within our said kingdom of England, without the let, molestation, vexation, trouble or grievance of us, our heirs and successors ; any statute, act, ordinance or provision to the contrary thereof notwithstanding.

And furthermore, that our subjects may be the rather encouraged to undertake this expedition with ready and cheerful minds, know ye, That we, of our special grace, certain knowledge, and mere motion, do give and grant, by virtue of these

presents, as well unto the said now Lord Baltimore, and his heirs, as to all others who shall, from time to time, repair unto the said country with a purpose to inhabit there, or to trade with the natives of the said province, full licence to lade and trade in any ports whatsoever, of us, our heirs and successors, and into the said province of Maryland, by them, their servants or assigns, to transport all and singular their goods, wares, and merchandises, as likewise all sorts of grain whatsoever, and all other things whatsoever necessary for food and clothing, not prohibited by the laws and statutes of our kingdoms and dominions to be carried out of the said kingdoms, any statute, act, ordinance, or other thing whatsoever to the contrary notwithstanding, without any lett or molestation of us, our heirs and successors, or of any of the heirs of us, our heirs and successors; saving always to us, our heirs and successors, the legal impositions, customs, and other duties and payments for the said wares and merchandise, any statute, act, ordinance, or other thing whatsoever to the contrary notwithstanding.

And because in so remote a country, and situate near so many barbarous nations, the incursions as well of the savages themselves, as of other enemies, pirates, and robbers, may probably be feared, therefore we have given, and for us, our heirs and successors, do give power, by these presents, unto the said now Lord Baltimore, his heirs and assigns, by themselves or their captains, or other their officers, to levy, muster, and train all sorts of men, of what condition or wheresoever born, in the said province of Maryland, for the time being, and to make war, and pursue the enemies and robbers aforesaid, as well by sea as by land, yea, even without the limits of the said province, and (by God's assistance) to vanquish and take them; and being taken, to put them to death, by the law of war, or to save them, at their pleasure; and to do all and every other thing which unto the charge and office of a captain-general of an army belongeth, or hath accustomed to belong, as fully and freely as any captain-general of an army hath ever had the same.

Also, our will and pleasure is, and by this our charter, we do give unto the said now Lord Baltimore, his heirs and assigns, full power, liberty and authority, in case of rebellion, tumult or sedition, if any should happen (which God forbid) either upon the land, within the province aforesaid, or upon the main sea, in making a voyage thither, or returning from thence by themselves, or their captains, deputies, or other officers, to be authorized under their seals for that purpose, (to whom we also for us, our heirs and successors, do give and grant by these presents, full power and authority) to exercise martial law against mutinous and seditious persons of those parts, such as shall refuse to submit themselves to his or their government, or shall refuse to

serve in the wars, or shall fly to the enemy, or forsake their ensigns, or be loiterers or stragglers, or otherwise however offending against the law, custom, and discipline military, as freely and in as ample manner and form as any captain-general of an army, by virtue of his office, might, or hath accustomed to use the same.

Furthermore, that the way to honors and dignities may not seem to be altogether precluded and shut up to men well-born, and such as shall prepare themselves unto this present plantation, and shall desire to deserve well of us and our kingdoms, both in peace and war, in so far distant and remote a country : Therefore we, for us, our heirs and successors, do give free and absolute power unto the said now Lord Baltimore, his heirs and assigns, to confer favors, rewards and honors, upon such inhabitants, within the province aforesaid, as shall deserve the same, and to invest them with titles and dignities soever as he shall think fit (so as they be not such as are now used in England,) as likewise to erect and incorporate towns into boroughs, and boroughs into cities, with convenient privileges and immunities, according to the merit of the inhabitants, and fitness of the places ; and to do all and every other thing or things, touching the premises, which to him or them shall seem meet and requisite ; albeit they be such as of their own nature might otherwise require a more special commandment and warrant than in these presents is expressed.

We will also, and by these presents, for us, our heirs and successors, do give and grant licence, by this our charter, unto the said now Lord Baltimore, his heirs and assigns, and to all the inhabitants and dwellers in the said province aforesaid, both present and to come, to import, unlade, by themselves or their servants, factors or assigns, all merchandises and goods whatsoever, that shall arise of the fruits and commodities of the said province, either by sea or land, into any of the ports of us, our heirs and successors, in our kingdoms of England or Ireland, or otherwise to dispose of the said goods, in the said ports, and if need be, within one year next after unlading the same, to lade the same merchandises and goods again, into the same or other ships, and to export the same into any other countries, either of our dominion or foreign, (being in amity with us, our heirs and successors.) Provided always that they pay such customs, impositions, subsidies and duties, for the same, to us, our heirs and successors, as the rest of our subjects of our kingdom of England, for the time being, shall be bound to pay ; beyond which, we will not that the inhabitants of the aforesaid province of Maryland shall be any charged.

And furthermore, of our more ample and special grace, certain knowledge, and mere motion, we do, for us, our heirs and

successors, grant unto the said now Lord Baltimore, his heirs and assigns, full and absolute power and authority to make, erect, and constitute, within the said province of Maryland, and the isles and islets aforesaid, such and so many sea-ports, harbors, creeks, and other places, for discharging and unlading of goods and merchandises out of ships, boats and other vessels, and lading them in such and so many places, and with such rights, jurisdictions, and liberties, and privileges unto the said ports belonging, as to him or them shall seem most expedient; and that all and singular the ships, boats and other vessels, which shall come for merchandise and trade into the said province, or out of the same shall depart, shall be laden or unladen only at such ports as shall be so erected and constituted by the said now Lord Baltimore, his heirs and assigns; any use, custom, or other things to the contrary notwithstanding: saving always unto us, our heirs and successors, and to all the subjects (of our kingdoms of England and Ireland) of us, our heirs and successors, free liberty of fishing for sea fish, as well in the sea, bays, inlets, and navigable rivers, as in the harbors, bays, and creeks of the province aforesaid, and the privileges of salting and drying their fish on the shore of the said province, and for the same cause, to cut and take under-wood or twigs there growing, and to build cottages and sheds necessary in this behalf, as they heretofore have, or might reasonably have used; which liberties and privileges, nevertheless, the subjects aforesaid of us, our heirs and successors, shall enjoy without any notable damage, or injury to be done to the said now Lord Baltimore, his heirs or assigns, or to the dwellers and inhabitants of the said province, in the ports, creeks, and shores aforesaid, and especially in the woods and copses growing within the said province. And if any shall do any such damage or injury, he shall incur the heavy displeasure of us, our heirs and successors, the punishment of the laws, and shall moreover make satisfaction.

We do furthermore will, appoint and ordain, and by these presents, for us, our heirs and successors, we do grant unto the said now Lord Baltimore, his heirs and assigns, that he the said Lord Baltimore, his heirs and assigns, may from time to time, for ever, have and enjoy the customs and subsidies in the ports, harbors, and other creeks and places aforesaid, within the province aforesaid, payable or due for merchandises and wares there to be laded or unladed: the said customs and subsidies to be reasonably assessed (upon any occasion) by themselves and the people there, as aforesaid, to whom we give power, by these presents, for us, our heirs and successors, upon just cause, and in a due proportion, to assess and impose the same.

And further, of our special grace, and of our certain know-

ledge, and mere motion, we have given and granted, and by these presents, for us, our heirs and successors, do give and grant, unto the said now Lord Baltimore, his heirs and assigns, full and absolute power, licence, and authority, that he the said now Lord Baltimore, his heirs and assigns, from time to time hereafter, for ever, at his and their will and pleasure, may assign, alien, grant, demise, or enfeoffe of the premises, so many and such part or parcels to him or them that shall be willing to purchase the same, as they shall think fit; to have and to hold to them the said person or persons willing to take or purchase the same, their heirs and assigns, in fee simple, or in fee tail, or for the term of life or lives, or years, to be held of the said now Lord Baltimore, his heirs and assigns, by such services, customs, and rents, as shall seem fit to the said now Lord Baltimore, his heirs and assigns, and not immediately of us, our heirs and successors: And to the same person or persons, and to all and every of them, we do give and grant, by these presents, for us, our heirs and successors, licence, authority and power, that such person or persons may take the premises, or any parcel thereof, of the said now Lord Baltimore, his heirs or assigns (in what estate of inheritance soever, in fee simple, or in fee tail, or otherwise, as to them and the now Lord Baltimore, his heirs and assigns, shall seem expedient); the statute made in the parliament of Edward, son of King Henry, late King of England, our predecessor, commonly called the statute '*Quia emptores terrarum*,' lately published in our kingdom of England, or any other statute, act, ordinance, use, law or custom, or any other thing, cause or matter thereupon heretofore had, done, published, ordained or provided to the contrary, in any wise notwithstanding.

And by these presents, we give and grant licence unto the said now Lord Baltimore and his heirs, to erect any parcels of land within the province aforesaid into manors, in every the said manors to have and to hold a court of Baron, with all things whatsoever which to a court Baron do belong, and to have and to hold view of frank-pledge (for the conservation of the peace, and the better government of those parts) by themselves or their stewards, or by the lords, for the time being, of other manors to be deputed, when they shall be erected, and in the same to use all things belonging to view of frank-pledge.

And further our pleasure is, and by these presents, for us, our heirs and successors, we do covenant and grant to and with the said now Lord Baltimore, and his heirs and assigns, that we, our heirs and successors, shall at no time hereafter set or make, or cause to set any imposition, custom, or other taxation, rate, or contribution whatsoever, in and upon the dwellers and inhabitants of the aforesaid province, for their lands, tene-

ments, goods, or chattels within the said province, or in or upon any goods or merchandise within the said province, or to be laden or unladen within the ports or harbors of the said province. And our pleasure is, and for us, our heirs and successors, we charge and command, that this our declaration shall henceforward, from time to time, be received and allowed in all our courts, and before all the judges of us, our heirs and successors, for a sufficient and lawful discharge, payment and acquittance; commanding all and singular our officers and ministers of us, our heirs and successors, and enjoining them, upon pain of our high displeasure, that they do not presume, at any time, to attempt anything to the contrary of the premises, or that they do in any sort withstand the same; but that they be at all times aiding and assisting, as fitting, unto the said now Lord Baltimore, and his heirs, and to the inhabitants and merchants of Maryland aforesaid, their servants, ministers, factors, and assigns, in the full use and fruition of the benefit of this our charter.

And further our pleasure is, and by these presents, for us, our heirs and successors, we do grant unto the said now Lord Baltimore, and his heirs and assigns, and to the tenants and inhabitants of the said province of Maryland, both present and to come, and to every of them, that the said province, tenants, and inhabitants of the said colony or country, shall not from henceforth be held or reputed as a member, or as part of the land of Virginia, or of any other colony whatsoever, now transported, or hereafter to be transported; nor shall be depending on, or subject to their government in anything, from whom we do separate that and them. And our pleasure is, by these presents, that they be separated, and that they be subject immediately to our crown of England, as depending thereof for ever.

And if perchance hereafter it should happen any doubts or questions should arise concerning the true sense and understanding of any word, clause, or sentence contained in this our present charter, we will, ordain and command, that at all times, and in all things, such interpretations be made thereof and allowed, in any of our courts whatsoever, as shall be adjudged most advantageous and favorable unto the said now Lord Baltimore, his heirs, and assigns; provided always, that no interpretation be admitted thereof, by which God's holy and truly Christian religion, or the allegiance due unto us, our heirs and successors, may suffer any prejudice or diminution; although express mention be not made in these presents of the true yearly value of certainty of the premises, or of any part thereof, or of other gifts and grants made by us, our progenitors or predecessors, unto the said now Lord Baltimore, or any statute, act, ordinance, provision, proclamation, or restraint heretofore had, made, published,

ordained, or provided, or any other thing, cause, or matter whatsoever to the contrary thereof, in any wise notwithstanding. In witness, etc., Witness Ourselves at Westminster, the twenty-eighth day of June, A. D. 1632, in the eighth year of our reign.
By Writ of Privy Seal.

Of the charter governments of the colonies that of Connecticut is perhaps the most interesting; because the charter granted in 1662 was retained, not only to the Revolution, but continued to be the constitution of the state until 1818. With this charter also is connected the well-known story of its preservation in the oak when it was attempted to withdraw it from the colony.

Under the charter the settlement was erected into a body politic under the title of "Colony of Connecticut." The freemen of the towns and settlements were to elect annually a governor, a deputy-governor, twelve assistants, a general assembly and magistrates, with legislative authority and judicial powers. The laws were to be "as near as might be" to those of England; but were to be made without the supervision of the crown. The colonists were to enjoy all the privileges and immunities of British-born subjects, as provided in the other charters. The colony was to continue its allegiance to England; to adhere in general to the forms of her laws, and to recognize a sort of superintendence of parliament. Beyond these few and very general restrictions, the colony was independent of the mother country. Local self-government was provided for and its rights were established. The text of the charter is as follows:—

CHARTER OF CONNECTICUT. Granted by CHARLES II,
April 23, 1662.

CHARLES THE SECOND, by the Grace of God, to all to whom these Presents shall come, Greeting. Whereas by the several Navigations, Discoveries, and successful Plantations of divers of Our loving Subjects of this our Realm of England, several Lands, Islands, Places, Colonies and Plantations, have been obtained and settled in that Part of the Continent of America, called New England, and thereby the Trade and Commerce

there hath been of late Years much increased ; and whereas We have been informed by the humble Petition of our trusty and well-beloved John Winthrop, John Mason, Samuel Willis, Henry Clark, Matthew Allen, John Tappen, Nathan Gould, Richard Treat, Richard Lord, Henry Wolcott, John Talcott, Daniel Clerke, John Ogden, Thomas Wells, Obadiah Brewen, John Clerke, Anthony Hawkins, John Deming, and Matthew Camfield, being Persons principally interested in Our Colony or Plantation of Connecticut in New England, that the same Colony, or the greatest part thereof, was purchased and obtained for great and valuable considerations, and some other part thereof gained by conquest, and with much Difficulty, and at the only endeavors, Expense and charge of them and their Associates, and those under whom they claim, subdued and improved, and thereby become a considerable Inlargement and Addition of Our Dominions and Interest there :

Now Know ye, That in consideration thereof, and in regard the said Colony is remote from other the English Plantations in the Places aforesaid, and to the end the Affairs and Business, which shall from time to time happen or arise concerning the same, may be duly ordered and managed, We have thought fit, at the humble Petition of the Persons aforesaid, and are graciously pleased to create and make them a Body Politic and Corporate, with the Powers and Privileges hereinafter mentioned ; and accordingly Our Will and Pleasure is, and of Our especial Grace, certain knowledge, and mere Motion, we have ordained, constituted and declared, and by these Presents, for Us, Our Heirs and Successors, do ordain, constitute and declare, That the said John Winthrop, John Mason, Samuel Willis, Henry Clerke, Matthew Allen, John Tappen, Nathan Gould, Richard Treat, Richard Lord, Henry Wolcott, John Talcott, Daniel Clerke, John Ogden, Thomas Wells, Obadiah Brewen, John Clerke, Anthony Hawkins, John Deming, and Matthew Camfield, and all such others, as now are, or hereafter shall be, admitted and made free of the Company and Society of our Colony of Connecticut in America, shall from time to time, and for ever hereafter, be one Body Corporate and Politic in Fact and Name, by the Name of Governor and Company of the Colony of Connecticut in New England in America ; and that by the same Name they, and their Successors, shall and may have perpetual Succession, and shall and may be Persons able and capable in the Law, to plead and be impleaded, to answer and be answered unto, to defend and be defended, in all and singular suits, Causes, Quarrels, Matters, Actions, and Things, of what Kind or Nature forever ; and also to have, take, possess, acquire and Purchase, Lands, Tenements or Hereditaments, or any Goods or Chattels, and the same to lease, grant, demise, alien, bargain,

sell and dispose of, as other Our Liege People of this Our Realm of England, or any other Corporation or Body Politic within the same, may lawfully do ; and further, That the said Governor and Company, and their Successors, shall and may forever hereafter have a common Seal to serve and use for all Causes, Matters, Things and Affairs whatsoever of them and their Successors, and the same Seal to alter, change, break and make new, from time to time, at their Wills and Pleasures, as they shall think fit. And further, We will and ordain, and by these Presents, for Us, Our Heirs and Successors, do declare and appoint, That for the better ordering and managing of the Affairs and Business of the said Company, and their Successors, there shall be One Governor, One Deputy-Governor, and Twelve Assistants, to be from time to time constituted, elected and chosen out of the Freemen of the said Company for the time being, in such Manner and Form as hereafter in these Presents is expressed ; which said Officers shall apply themselves to take care for the best disposing and ordering of the general Business and Affairs of and concerning the Lands and Hereditaments hereinafter mentioned to be granted, and the Plantation thereof, and the Government of the People thereof.

And for the better Execution of our Royal Pleasure, herein, We do, for Us, our Heirs and Successors, assign, name, constitute and appoint the aforesaid John Winthrop to be the first and present Governor of the said Company, and the said John Mason to be the Deputy Governor, and the said Samuel Willis, Matthew Allen, Nathan Gould, Henry Clerke, Richard Treat, John Ogden, Thomas Tappen, John Talcott, Thomas Wells, Henry Wolcott, Richard Lord, and Daniel Clerke, to be the Twelve present Assistants of the said Company, to continue in the said several Offices respectively until the Second Thursday, which shall be in the Month of October now next coming. And further, We will, and by these Presents, for Us, Our Heirs and Successors, do ordain and grant, That the Governor of the said Company for the Time being, or in his Absence, by Occasion of Sickness, or otherwise, by his Leave or Permission, the Deputy-Governor for the Time being shall and may, from time to time, upon all Occasions, give Order for the assembling of the said Company, and calling them together, to consult and advise of the Business and Affairs of the said Company ; and that for ever hereafter, twice in every Year, that is to say, on every Second Thursday in October, and on every Second Thursday in May, or oftener, in case it shall be requisite, the Assistants and Freemen of the said Company, or such of them, not exceeding two Persons from each Place, Town or City, who shall be from time to time thereunto elected or deputed by the major part of the Freemen of the respective Towns, Cities and Places

for which they shall be so elected or deputed, shall have a general Meeting or Assembly, then and there to consult and advise in and about the affairs and Business of the said Company ; and that the Governor, or in his Absence the Deputy Governor, of the said Company for the time being, and such of the Assistants and Freemen of the said Company as shall be so elected or deputed, and be present at such Meeting or Assembly, or the greatest number of them, whereof the Governor, or Deputy-Governor, and Six of the Assistants, at least, to be Seven, shall be called the General Assembly, and shall have full Power and Authority to alter and change their Days and Times of Meeting, or general Assemblies, for electing the Governor, Deputy-Governor, and Assistants, or other Officers, or any other Courts, Assemblies, or Meetings, and to choose, nominate and appoint such and so many other Persons as they shall think fit, and shall be willing to accept the same, to be free of the said Company and Body Politic, and them into the same to admit, and to elect and constitute such Officers as they shall think fit and requisite for the ordering, managing and disposing of the Affairs of the said Governor and Company and their Successors. And We do hereby, for Us, Our Heirs and Successors, establish and ordain, That once in the year for ever hereafter, namely, the said Second Thursday in May, the Governor, Deputy-Governor and Assistants of the said Company, and other officers of the said Company, or such of them as the said general Assembly shall think fit, shall be, in the said general Court and Assembly to be held from that Day or Time, newly chosen for the Year ensuing by such greater Part of the said Company, for the time being, then and there present ; and if the Governor, Deputy Governor and Assistants, by these presents appointed, or such as hereafter be newly chosen into their Rooms, or any of them, or any other the Officers to be appointed for the said Company, shall die, or be removed from his or their several Offices or Places before the said general Day of Election, whom we do hereby declare, for any Misdemeanor or Default, to be removable by the Governor, Assistants and Company, or such greater Part of them, in any of the said public Courts to be assembled, as is aforesaid ; that then, and in every such Case, it shall and may be lawful to and for the Governor, Deputy-Governor and Assistants, and Company aforesaid, or such greater Part of them so to be assembled, as is aforesaid in any of their Assemblies, to proceed to a new Election of One or more of their Company, in the Room or Place or Places of such Governor, Deputy-Governor, Assistant, or other Officer or Officers so dying, or removed, according to their Discretions ; and immediately upon and after such Election or Elections made of such Governor, Deputy-Governor, Assistant or Assistants, or any other Officer

of the said Company, in Manner and Form aforesaid, the Authority, Office and Power before given to the former Governor, Deputy-Governor, or other officer and Officers so removed, in whose Stead and Place new shall be chosen, shall, as to him and them, and every of them respectively, cease and determine.

Provided also, and Our Will and Pleasure is, That as well such as are by these presents appointed to be the present Governor, Deputy-Governor, and Assistants of the said Company, as those that shall succeed them, and all other Officers to be appointed and chosen as aforesaid, shall, before they undertake the Execution of their said Offices and Places respectively, take the several and respective corporal Oaths, for the due and faithful Performance of their Duties in their several Offices and Places, before such Person or Persons as are by these Presents hereafter appointed to take and receive the same; that is to say, the said John Winthrop, who is herein before nominated and appointed the present Governor of the said Company, shall take the said Oath before [one] or more of the Masters of our Court of Chancery for the time being; unto which Master of Chancery, We do by these Presents give full Power and Authority to Administer the said Oath to the said John Winthrop accordingly: And the said John Mason, who is herein before nominated and appointed the present Deputy-Governor of the said Company, shall take the said Oath before the said John Winthrop, or any Two of the Assistants of the said Company; unto whom We do by these Presents give full Power and Authority to administer the said Oath to the said John Mason accordingly:

And the said Samuel Willis, Henry Clerke, Matthew Allen, John Tappen, Nathaniel Gould, Richard Treate, Richard Lord, Henry Wolcott, John Talcott, Daniel Clerke, John Ogden, and Thomas Wells, who are herein before nominated and appointed the present Assistants of the said Company, shall take the Oath before said John Winthrop, and John Mason, or one of them; to whom We do hereby give full Power and Authority to administer the same accordingly;

And our further Will and Pleasure is, That all and every Governor, or Deputy-Governor, to be elected and chosen by virtue of these Presents, shall take the said Oath before Two or more of the Assistants of the said Company for the time being; unto whom We do by these Presents give full power and authority to give and administer the said oath accordingly: And the said Assistants, and every of them, and all and every other officer or officers to be hereafter chosen, from time to time, to take the said oath before the Governor, or Deputy-Governor, for the time being; unto which said Governor or Deputy-Governor, We do by the presents give full Power and Authority to administer the same accordingly. And further, of Our more ample Grace,

certain Knowledge, and mere Motion, We have given and granted and by these Presents, for Us, Our Heirs and Successors, do give and grant, unto the said Governor and Company of the English Colony of Connecticut in New England in America, and to every inhabitant there, and to every Person or Persons trading thither, and to every such Person and Persons as are or shall be free of the said Colony, full Power and Authority, from time to time, and at all times hereafter, to take, ship, transport and carry away, for and towards the Plantation and Defence of said Colony, such of our loving Subjects and Strangers as shall or will willingly accompany them, in and to their said Colony and Plantation, except such Person or Persons as are or shall be restrained by Us, Our Heirs and Successors ; and also to ship and transport all, and all manner of Goods, Chattles, Merchandise, and other Things whatsoever, that are or shall be useful or necessary for the Inhabitants of the said Colony, and may lawfully be transported thither ; nevertheless not to be discharged of Payment to Us, Our Heirs and Successors, of the Duties, Customs and Subsidies which are or ought to be paid or payable for the same. And further, Our Will and Pleasure is, and We do, for Us, Our Heirs and Successors, ordain, declare, and grant unto the said Governor and Company, and their Successors, That all and every the Subjects of Us, Our Heirs and Successors, which shall go to inhabit within the said Colony, and every of their Children which shall happen to be born there, or on the Sea, in going thither, or returning from thence, shall have and enjoy all Liberties and Immunities of free and natural Subjects within any of the Dominions of us, Our Heirs and Successors, to all Intents, Constructions and Purposes whatsoever, as if they, and every of them, were born within the Realm of England : And We do authorize and empower the Governor, or in his Absence the Deputy-Governor for the time being, to appoint two or more of the said Assistants, at any of their Courts or Assemblies to be held as aforesaid, to have Power and Authority to administer the Oath of Supremacy and Obedience to all and every Person or Persons, which shall at any time or times hereafter go or pass into the said Colony of Connecticut : unto which said Assistants so to be appointed as aforesaid, We do by these Presents give full Power and authority to administer the said Oath accordingly. And we further, of our special Grace, certain knowledge, and mere Motion, give and grant unto the said Governor and Company of the English Colony of Connecticut in New England in America, and their Successors, That it shall and may be lawful to and for the Governor, or Deputy-Governor, or such of the Assistants of the said Company for the time being, as shall be assembled in any of the general Courts aforesaid, or in any Courts to be especially summoned or assembled for that pur-

pose, or the greater part of them, whereof the Governor, or Deputy-Governor, and Six of the Assistants, to be always Seven, to erect and make such Judicatories for the hearing and determining of all Actions, Causes, Matters and Things happening within the said Colony or Plantation, and which shall be in dispute and depending there, as they shall think fit and convenient ; and also, from time to time, to make, ordain and establish all manner of wholesome and reasonable Laws, Statutes, Ordinances, Directions and Instructions, not contrary to the Laws of this Realm of England, as well for settling the Forms and Ceremonies of Government and Magistracy, fit and necessary for the said Plantation, and the Inhabitants there, as for naming and styling all sorts of Officers, both superior and inferior, which they shall find needful for the Government and Plantation of the said Colony, and the distinguishing and setting forth of the several Duties, Powers and limits of every such Office and place, and the forms of such Oaths, not being contrary to the Laws and Statutes of this our Realm of England, to be administered for the Execution of the said several Offices and Places ; as also for the disposing and ordering of the Election of such of the said Officers as are to be annually chosen, and of such others as shall succeed, in case of Death or Removal, and administering the said Oath to the newly-elected Officers, and granting necessary Commissions, and for Imposition of lawful fines, mulcts, imprisonments, or other punishment, upon Offenders and Delinquents, according to the course of other Corporations within this our kingdom of England ; and the same laws, fines, mulcts and executions, to alter, change, revoke, annul, release or pardon, under their common Seal, as by the said general Assembly, or the major part of them, shall be thought fit ; and for the directing, ruling and disposing of all other matters and things, whereby our said people, Inhabitants there, may be so religiously, peaceably and civilly governed, as their good Life, and orderly conversation, may win and invite the Natives of the Country to the knowledge and obedience of the only true God and Savior of Mankind, and the Christian Faith ; which in our Royal Intentions, and the Adventurers' free profession, is the only and principal end of this Plantation ; willing, commanding and requiring, and by these Presents, for Us, our Heirs and Successors, ordaining and appointing, That all such laws, statutes and ordinances, instructions, impositions and directions, as shall be so made by the Governor, Deputy-Governor and Assistants, as aforesaid, and published in writing under their common Seal, shall carefully and duly be observed, kept, performed, and put in execution, according to the true intent and meaning of the same ; and these Our Letters Patents, or the duplicate or exemplification thereof, shall be, to all and every such Officers, super-

iors and inferiors, from time to time, for the putting of the same orders, laws, statutes, ordinances, instructions and directions, in due execution, against us, Our Heirs and Successors, a sufficient warrant and discharge. And we do further, for Us, our Heirs and Successors, give and grant unto the said Governor and Company, and their Successors, by these presents, That it shall and may be lawful to and for the Chief Commanders, Governors and Officers of the said Company for the Time being, who shall be resident in the parts of New England hereafter mentioned, and others inhabiting there, by their leave, Admittance, appointment or Direction, from time to time, and all times hereafter, for their special Defence and safety, to assemble, Marshal, array, and put in warlike posture, the inhabitants of the said Colony, and to commissionate, empower and authorize such person or persons as they shall think fit, to lead and conduct the said inhabitants, and to encounter, expulse, repel and refit by force of Arms, as well by sea as by land, and also to kill, slay and destroy, by all fitting ways, Enterprises and Means whatsoever, all and every such person or persons as shall, at any time hereafter, attempt or enterprise the Destruction, invasion, detriment or annoyance of the said inhabitants and plantation, and to use and exercise the law martial in such cases only as occasion shall require, and to take or surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, armour, ammunition and other goods, of such as shall, in such hostile manner, invade or attempt the defeating of the said plantation or the hurt of the said company and inhabitants, and, upon just causes, to invade and destroy the natives or other enemies of the said colony. Nevertheless our will and pleasure is, and we do hereby declare unto all Christian Kings, princes and States, That if any persons, which shall hereafter be of the said company or plantation, or any other, by appointment of the said Governor and company, for the time being, shall at time or times hereafter rob or spoil, by Sea or by Land, and do any hurt, violence, or unlawful hostility, to any of the subjects of us, our heirs or successors, or any of the subjects of any prince or state, being then in league with us, our heirs or successors, upon complaint of such injury done to any such prince or state, or their subjects, We, our heirs and successors, will make open proclamation within any parts of our realm of England, fit for that purpose, That the person or persons committing such robbery or spoil shall, within the time limited by such proclamation, make full restitution or Satisfaction of all such injuries done or committed ; so as the said prince or others so complaining may be fully satisfied and contented : And if the said person or persons, who shall commit any such robbery or spoil, shall not make satisfaction accordingly, within

such time so to be limited, That then it shall and may be lawful for us, our heirs and successors, to put such person or persons out of our allegiance and protection ; and that it shall and may be lawful and free for all princes and others to prosecute with hostilities such offenders, and every of them, their and every of their procurers, aiders, abettors and counsellors in that behalf. Provided also, and our express will and pleasure is, and we do by these presents, for us, our heirs and successors, ordain and appoint, That these presents shall not, in any manner, hinder any of our loving subjects whatsoever to use and exercise the trade of fishing, upon the coast of New England in America ; but they, and every or any of them, shall have full and free power and liberty to continue and use the said trade of fishing upon the said coast, in any of the seas thereunto adjoining, or any arms of the seas, or salt water rivers, where they have been accustomed to fish ; and to build and fit up upon the waste lands belonging to the said Colony of Connecticut, such wharf, stages, and workhouses, as shall be necessary for the salting, drying and keeping of their fish to be taken or gotten upon that coast ; anything in these presents contained to the contrary notwithstanding. And know ye further, that we, of our more abundant grace, certain knowledge, and mere motion, have given, granted and confirmed, and by these presents, for us, our heirs and successors do give, grant and confirm unto the said Governor and company, and their successors, all that part of our dominions in New England in America, bounded on the east by the Narragancett River, commonly called Narragancett Bay, where the said River falleth into the sea, and on the north by the line of the Massachusetts Plantation, and on the south by the sea, and in Longitude, as the line of the Massachusetts Colony running from east to west (that is to say) from the said Narragancett Bay, on the east to the South Sea, on the west part, with the islands thereunto adjoining, together with all the firm lands, soils, grounds, havens, ports, rivers, waters, fishings, mines, minerals, precious stones, quarries, and all and singular commodities, jurisdictions, royalties, privileges, franchises, pre-eminences, and hereditaments whatsoever, within the said tract, bounds, lands and islands aforesaid, or to them, or any of them belonging, to have and to hold the same, unto the said Governor and company, their Successors and assigns, for ever, upon trust, and for the use and benefit of themselves, and their associates, freemen of the said Colony, their heirs and assigns ; to be holden of us, our heirs and successors, as of our Manor of East Greenwich, in free and common Socage, and not in *capite*, nor by Knight's service ; yielding and paying therefor to us, our heirs and successors, only the fifth part of all the ore of gold and silver, which from time to time and at all times hereafter, shall be there gotten, had or

obtained, in lieu of all services, duties and demands whatsoever, to be to us, our heirs and successors, therefore or thereout rendered, made, or paid. And lastly, we do for us, our heirs and successors, grant to the said Governor and company, and their successors, by these presents, That these our letters patents shall be firm, good and effectual in the law, to all intents, constructions and purposes whatsoever, according to our true intent and meaning herein before declared, as shall be construed, reputed, and adjudged most favorable on the behalf, and for the best benefit and Behoof of the said Governor and company, and their successors, although express mention of the true yearly value or certainty of the premises, or of any of them, or of any other Gifts or Grants by us, or by any of our progenitors or predecessors, heretofore made to the said Governor and Company of the English Colony of Connecticut, in New England, in America aforesaid, in these presents is not made or any Statute, Act, Ordinance, Provision, Proclamation, or restriction heretofore had, made, enacted, ordained, or provided, or any other matter, cause or thing whatsoever, to the contrary thereof, in any wise notwithstanding.

In witness whereof we have caused these our letters to be made patents. Witness Ourselves at Westminster, the Three and Twentieth Day of April in the Fourteenth Year of our Reign.

(Per Breve de Privato Sigillo.)

HOWARD.

COLONIAL GOVERNMENT.		NATURE: <i>Constitutional.</i>	
FORM IN 1776.	Royal or Provincial.	New Hampshire, (settled in 1629)	Governor appointed by King.
		New York. (" " 1662)	
		New Jersey, (" " 1664)	Council appointed by King.
		Virginia, (" " 1606)	
		North Carolina, (" " 1663)	
		South Carolina, (" " 1663)	Assembly elected by people.
	Georgia, (" " 1732)		
	Proprietary.	Maryland, (" " 1632)	Governor appointed by Proprietor.
		Pennsylvania, (" " 1681)	Council appointed by Proprietor.
		Delaware, (" " 1682)	Assembly elected by people.
Charter.	Massachusetts, (" " 1628)	Governor elected by people.	
	Rhode Island, (" " 1636)	Council elected by people.	
	Connecticut, (" " 1635)	Assembly elected by people.	

CHAPTER II.

TENDENCY TO UNION.

The thirteen colonies possessed no political bond of union. Politically, they were dependent upon England, and independent of one another. But they were all so far from the mother country that their relations with her, by degrees, became strained. England forgot that her American colonies had been settled by some of the most vigorous and independent of English stock, and attempted to impose taxes on them, in a manner contrary to English customs and contrary to their charters. The colonists were willing to assist England financially ; but they insisted upon the immemorial right of Englishmen to vote their taxes themselves. England refused. The colonists petitioned, and sent frequent memorials to the King. England grew more arbitrary and treated the colonists ever more contemptuously.

Even before England had begun her arbitrary course with the colonies, they had felt the need of a political bond. They were individually weak, and subject to continual inroads by the Indians. In 1643, part of the New England colonies — Massachusetts, Connecticut, Plymouth and New Haven—formed the New England Confederation which lasted for forty years. To it were delegated certain few powers and privileges for the general welfare and protection. It did not secure a very close union of the colonies in it. It was a simple confederation. It accomplished some good by bringing the colonies in it into closer relationship, and securing to

them better protection than they would otherwise have enjoyed.

The sentiment in favor of a general union of the colonies grew stronger as it became evident that England would not desist from her arbitrary course. In 1754 a Convention was held at Albany, and Franklin submitted a plan of union which provided for a Confederation with an executive head. It was then felt that union would be wise and beneficial ; it was not felt that it was absolutely necessary. Franklin's plan was rejected, after it had been considered at length. It did not please the mother country, and each colony was so anxious to preserve its individuality that it was unwilling to make concessions to the others. The pressure of circumstances which called them together, was not strong enough to unite them into a single body. In 1765 a convention of delegates from nine colonies met and asserted, in a bill of rights, the exclusive right of the colonies to tax themselves.

ATTEMPTS AT UNION.	{	NEW ENGLAND CONFEDERATION, 1643-1683 : Massachusetts, Connecticut, Plymouth and New Haven.
		CONVENTION OF 1754 : Plan of Union discussed.
		CONVENTION OF 1765 : Assertion of exclusive right to levy their own taxes. Nine colonies represented.

At last the colonies resolved upon more vigorous action, and in 1774 chose the first Continental Congress, with a view to a calm and full consideration of their rights and duties. It met September 5, and sat until October 26, and decided on three measures, viz. : a non-importation and non-exportation agreement ; an address to the people of Great Britain, and a memorial to the inhabitants of British America ; and a loyal address to the King.

The Continental Congress assembled again in 1775. It adopted a Declaration of Rights which enumerated the rights infringed by England since 1763. As this Declaration is an important document, it is given here, and should be carefully read.

It will be seen that the colonists here resist the demands of England on three grounds : first, the laws of nature to which all men have equal right ; second, the principles of the English constitution which were the most just and free then known ; and third, the charters which had been granted them, and which recognized them as possessing all the rights of Englishmen, whether resident in any colony or in the realm itself.

On each and all of these grounds there was sufficient reason to resist the encroachments of England. The resolutions in the Declaration state very clearly the rights which the colonists claimed. Most of these rights had been recognized in their charters. They may be found in the three charters which are given in this work to illustrate the provincial, proprietary and charter forms of government.

DECLARATION OF RIGHTS.

1775.

WHEREAS, since the close of the last war, the British parliament claiming a power of right, to bind the people of America by statutes in all cases whatsoever, hath, in some acts, expressly imposed taxes on them, and in others, under various pretences, but in fact for the purpose of raising a revenue, hath imposed rates and duties payable in these colonies, established a board of commissioners, with unconstitutional powers, and extended the jurisdiction of courts of admiralty, not only for collecting the said duties, but for the trial of causes merely arising within the body of a county.

And whereas, in consequence of other statutes, judges, who before held only estates at will in their offices, have been made dependent on the crown alone for their salaries, and standing armies kept in times of peace : And whereas it has lately been resolved in parliament, that by force of a statute, made in the thirty-fifth year of the reign of king Henry the eighth, colonists

may be transported to England, and tried there upon accusations for treasons, and misprisions, or concealments of treasons committed in the colonies, and by a late statute, such trials have been directed in cases therein mentioned.

And whereas, in the last session of parliament, three statutes were made; one, entitled an "Act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, lading, or shipping of goods, wares and merchandise, at the town, and within the harbour of Boston, in the province of Massachusetts-Bay, in North-America;" another, entitled "An act for the better regulating the government of the province of Massachusetts-Bay in New-England;" and another, entitled "An act for the impartial administration of justice, in the cases of persons questioned for any act done by them in the execution of the law, or for the suppression of riots and tumults, in the province of the Massachusetts-Bay, in New-England;" and another statute was then made, "for making more effectual provision for the government of the province of Quebec, etc." All which statutes are impolitic, unjust, and cruel, as well as unconstitutional, and most dangerous and destructive of American rights.

And whereas, assemblies have been frequently dissolved, contrary to the rights of the people, when they attempted to deliberate on grievances; and their dutiful, humble, loyal, and reasonable petitions to the crown for redress, have been repeatedly treated with contempt by his majesty's ministers of state:

The good people of the several colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, New-Castle, Kent, and Sussex, on Delaware, Maryland, Virginia, North-Carolina, and South-Carolina, justly alarmed at these arbitrary proceedings of parliament and administration, have severally elected, constituted, and appointed deputies to meet, and sit in General Congress, in the city of Philadelphia, in order to obtain such establishment, as that their religion, laws, and liberties, may not be subverted. Whereupon the deputies so appointed being now assembled, in a full and free representation of these colonies, taking into their most serious consideration, the best means of attaining the ends aforesaid, do, in the first place, as Englishmen, their ancestors in like cases have usually done, for effecting and vindicating their rights and liberties, **DECLARE,**

That the inhabitants of the English colonies in North-America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following **RIGHTS:**

*Resolved, N. C. D.** 1. That they are entitled to life, liberty, and property, and they have never ceded to any sovereign power whatever, a right to dispose of either without their consent.

Resolved, N. C. D. 2. That our ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural-born subjects, within the realm of England.

Resolved, N. C. D. 3. That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

Resolved, 4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council: and as the English colonists are not represented, and from their local and other circumstances, cannot properly be represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed. But, from the necessity of the case, and a regard to the mutual interest of both countries, we cheerfully consent to the operation of such acts of the British parliament, as are bona fide, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation internal or external, for raising a revenue on the subjects in America, without their consent.

Resolved, N. C. D. 5. That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

Resolved, 6. That they are entitled to the benefit of such of the English statutes, as existed at the time of their colonization; and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

Resolved, N. C. D. 7. That these, his majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charters, or secured by their several codes of provincial laws.

* An abbreviation for *nemine contradicente*; that is, no one opposing or disagreeing.

Resolved, N. C. D. 8. That they have a right peaceably to assemble, consider of their grievances, and petition the king; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

Resolved, N. C. D. 9. That the keeping a standing army in these colonies, in times of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.

Resolved, N. C. D. 10. It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power in several colonies, by a council appointed, during pleasure, by the crown, is unconstitutional, dangerous and destructive to the freedom of American legislation.

All and each of which the aforesaid deputies, in behalf of themselves, and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties; which cannot be legally taken from them, altered or abridged by any power whatever, without their own consent, by their representatives in their several provincial legislatures.

In the course of our inquiry, we find many infringements and violations of the foregoing rights, which from an ardent desire, that harmony and mutual intercourse of affection and interest may be restored, we pass over for the present, and proceed to state such acts and measures as have been adopted since the last war, which demonstrate a system formed to enslave America.

Resolved, N. C. D. That the following acts of parliament are infringements and violations of the rights of the colonists; and that the repeal of them is essentially necessary, in order to restore harmony between Great Britain and the American colonies, viz. :

The several acts of 4 Geo. III. ch. 15, and ch. 34.—5 Geo. III. ch. 25.—6 Geo. III. ch. 52.—7 Geo. III. ch. 41, and ch. 46.—8 Geo. III. ch. 22, which impose duties for the purpose of raising a revenue in America, extend the power of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judges' certificate to indemnify the prosecutor from damages, that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subversive of American rights.

Also 12 Geo. III. ch. 24, entitled "An act for the better securing his majesty's dock-yards, magazines, ships, ammunition, and stores," which declares a new offence in America, and deprives the American subject of a constitutional trial by jury

of the vicinage, by authorizing the trial of any person, charged with the committing any offence described in the said act, out of the realm, to be indicted and tried for the same in any shire or county within the realm.

Also the three acts passed in the last session of parliament, for stopping the port and blocking up the harbor of Boston, for altering the charter and government of Massachusetts-Bay, and that which is entitled "An act for the better administration of justice," etc.

Also the act passed in the same session for establishing the Roman Catholic religion, in the province of Quebec, abolishing the equitable system* of English laws, and erecting a tyranny there, to the great danger (from so total a dissimilarity of religion, law and government) of the neighboring British colonies, by the assistance of whose blood and treasure the said country was conquered from France.

Also, the act passed in the same session, for the better providing suitable quarters for officers and soldiers in his majesty's service, in North America.

Also, that the keeping a standing army in several of these colonies, in time of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.

To these grievous acts and measures, Americans cannot submit, but in hopes their fellow-subjects in Great Britain will, on a revision of them, restore us to that state, in which both countries found happiness and prosperity, we have for the present, only resolved to pursue the following peaceable measures: 1. To enter into a non-importation, non-consumption, and non-exportation agreement or association. 2. To prepare an address to the people of Great Britain, and a memorial to the inhabitants of British America: and 3. To prepare a loyal address to his majesty, agreeable to resolutions already entered into.

In the Congress of 1776 it was resolved that "these United Colonies are, and of right ought to be, free and independent states, and that all political connection between them and Great Britain is, and ought to be, totally dissolved." The Declaration of Independence was adopted and a committee was appointed to prepare a plan of confederation.

The crisis had come. If England had respected the charters she had granted there could have been no revolution in 1776. The Crown, however, being the sovereign, claimed the supreme right to legislate on all sub-

jects. When this right was asserted in levying internal taxes, contrary to custom, the colonists resisted. Their reasons are set forth in the "Declaration of Rights" just given. That, failing of effect, they could secure their rights only through independence of the Crown.

DECLARATION OF INDEPENDENCE.

A DECLARATION BY THE REPRESENTATIVES OF THE UNITED STATES OF AMERICA, IN CONGRESS ASSEMBLED, JULY 4, 1776.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to affect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained ; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the Legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly for opposing with manly firmness his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise ; the state remaining, in the mean time, exposed to all the danger of invasion from without and convulsions within.

He has endeavored to prevent the population of these states ; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies without the consent of our Legislature.

He has affected to render the military independent of and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our Constitution, and unacknowledged by our laws, giving his assent to their acts of pretended legislation :

For quartering large bodies of armed troops among us :

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states :

For cutting off our trade with all parts of the world :

For imposing taxes on us without our consent :

For depriving us, in many cases, of the benefits of trial by jury :

For transporting us beyond seas to be tried for pretended offences :

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies :

For taking away our charters, abolishing our most valuable laws, and altering fundamentally the powers of our governments :

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrection amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress, in the most humble terms ; our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren.

We have warned them, from time to time, of attempts made by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence.

They, too, have been deaf to the voice of justice and consanguinity. We must, therefore, acquiesce in the necessity, which denounces our separation, and hold them as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the UNITED STATES OF AMERICA, in GENERAL CONGRESS assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, *free and independent States*; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain, is, and ought to be, totally dissolved; and that, as FREE AND INDEPENDENT STATES, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which INDEPENDENT STATES may of right do. And, for the support of this declaration, with a firm reliance on the protection of DIVINE PROVIDENCE, we mutually pledge to each other, our lives, our fortunes, and our sacred honor.

The foregoing declaration, was, by order of Congress, engrossed, and signed by the following members :

JOHN HANCOCK.

NEW HAMPSHIRE.—Josiah Bartlett, William Whipple, Matthew Thornton.

MASSACHUSETTS BAY.—Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry.

RHODE ISLAND, ETC.—Stephen Hopkins, William Ellery.

CONNECTICUT.—Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott.

NEW YORK.—William Floyd, Philip Livingston, Francis Lewis, Lewis Morris.

NEW JERSEY.—Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark.

PENNSYLVANIA.—Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross.

DELAWARE.—Cæsar Rodney, George Read, Thomas M'Kean.

MARYLAND.—Samuel Chase, William Paca, Thomas Stone, Charles Carroll, of Carrollton.

VIRGINIA.—George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jr., Francis Lightfoot Lee, Carter Braxton.

NORTH CAROLINA.—William Hooper, Joseph Hewes, John Penn.

SOUTH CAROLINA.—Edward Rutledge, Thomas Heyward, Jr., Thomas Lynch, Jr., Arthur Middleton.

GEORGIA.—Button Gwinnett, Lyman Hall, George Walton.

[Copies of the foregoing Declaration were, by a resolution of Congress, sent to the several assemblies, conventions, and committees, or councils of safety, and to the several commanding officers of the continental troops; and it was also proclaimed in each of the United States, and at the head of the army.]

In the Congress of 1777 “Articles of Confederation” were adopted, and were submitted to the States. The Congresses of 1778, 1779 and 1780 were occupied chiefly with providing means by which to carry on the Revolution.

CONTINENTAL CONGRESSES.	1774.	1. Non-importation and non-exportation agreement.
		2. Address to people of Great Britain and Memorial to inhabitants of British America.
		3. Loyal address to the King.
	1775.	Declaration of Rights.
	1776.	Declaration of Independence.
		Committee to prepare a plan for a Confederation.
	1777.	Articles of Confederation: ratified July, 1778, by New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, North Carolina, South Carolina, Virginia, and Georgia. In Nov., 1778, by New Jersey; Feb., 1779, by Delaware, and March, 1781, by Maryland.
		1778. Provision to carry on the Revolution.
		1779. “ “ “ “ “
	1780.	“ “ “ “ “

The “Articles of Confederation,” proposed in 1777 and adopted by the last of the thirteen colonies in 1781, are as follows :—

ARTICLES OF CONFEDERATION AND PERPETUAL UNION BETWEEN THE STATES.

TO ALL TO WHOM THESE PRESENTS SHALL COME, WE THE UNDERSIGNED DELEGATES OF THE STATES AFFIXED TO OUR NAMES, SEND GREETING.—Whereas the Delegates of the United States of America in Congress assembled did on the 15th day of November in the Year of our Lord 1777, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts-bay, Rhode-island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, in the words following, viz.

Articles of Confederation and Perpetual Union between the States of New Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia.

ARTICLE I.—The style of this Confederacy shall be, “The United States of America.”

ARTICLE II.—Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled.

ARTICLE III.—The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

ARTICLE IV.—The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively; provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State to any other State of which the owner is an inhabitant; provided also, that no imposition, duties, or restric-

tion shall be laid by any State on the property of the United States or either of them. If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State shall flee from justice and be found in any of the United States, he shall, upon demand of the governor or executive power of the State from which he fled, be delivered up and removed to the State having jurisdiction of his offense. Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

ARTICLE V.—For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in November, in every year with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year. No State shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States for which he, or another for his benefit, receives any salary, fees, or emolument of any kind. Each State shall maintain its own delegates in any meeting of the States and while they act as members of the Committee of the States. In determining questions in the United States in Congress assembled, each State shall have one vote. Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonment during the time of their going to and from, and attendance on, Congress, except for treason, felony, or breach of the peace.

ARTICLE VI.—No State, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state; nor shall the United States, in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties which may interfere with any stipulations in treaties entered into by the United States, in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any State, except such number only as shall be deemed necessary by the United States, in Congress assembled, for the defense of such State or its trade, nor shall any body of forces be kept up by any State in time of peace, except such number only as, in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use in public stores a due number of field-pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No State shall engage in any war without the consent of the United States, in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States, in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.

ARTICLE VII.—When land forces are raised by any State for the common defense, all officers of or under the rank of Colonel shall be appointed by the Legislature of each State respectively by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

ARTICLE VIII.—All charges of war, and all other expenses that shall be incurred for the common defense, or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State, granted to, or surveyed for, any person, as such land and the buildings and improvements thereon shall

be estimated. according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States, within the time agreed upon by the United States, in Congress assembled.

ARTICLE IX.—The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth Article; of sending and receiving ambassadors; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatever; of establishing rules for deciding, in all cases, what captures on land and water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felonies committed on the high seas; and establishing courts for receiving and determining finally appeals in all cases of captures; provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States, in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more States concerning boundary, jurisdiction; or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority, or lawful agent of any State in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be

commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court, to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned; provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the State where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward." Provided, also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions, as they may respect such lands and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different States.

The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States, fixing the standard of weights and measures throughout the United States; regulating the trade and managing all affairs with the Indians, not members of any of the States; provided that the legislative right of any State, within its own limits, be not infringed or violated; establishing and regulating post-offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regi-

mental officers ; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States ; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated, "A Committee of the States," and to consist of one delegate from each State, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction ; to appoint one of their number to preside ; provided that no person be allowed to serve in the office of president more than one year in any term of three years ; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses ; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective States an account of the sums of money so borrowed or emitted ; to build and equip a navy ; to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State, which requisition shall be binding ; and thereupon the Legislature of each State shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States ; and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled ; but if the United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any State should not raise men, or should raise a smaller number than its quota, and that any other State should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed and equipped in the same manner as the quota of such State, unless the legislature of such State shall judge that such extra number can not be safely spared out of the same, in which case they shall raise, officer, clothe, arm and equip as many of such extra number as they judge can be safely spared, and the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled.

The United States, in Congress assembled, shall never engage in a war nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them nor emit bills, nor borrow money on the

credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine States assent to the same, nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States, in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations as in their judgment require secrecy; and the yeas and nays of the delegates of each State, on any question, shall be entered on the journal when it is desired by any delegate; and the delegates of a State, or any of them, at his or their request, shall be furnished with a transcript of the said journal except such parts as are above excepted, to lay before the Legislatures of the several States.

ARTICLE X.—The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine States, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled is requisite.

ARTICLE XI.—Canada, acceding to this Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

ARTICLE XII.—All bills of credit emitted, moneys borrowed, and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ARTICLE XIII.—Every State shall abide by the determinations of the United States, in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the

United States, and be afterwards confirmed by the Legislatures of every State.

AND WHEREAS it hath pleased the great Governor of the world to incline the hearts of the Legislatures we respectively represent in Congress to approve of, and to authorize us to ratify, the said Articles of Confederation and perpetual Union, know ye, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained. And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which by the said Confederation are submitted to them; and that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual. In witness whereof, we have hereunto set our hands in Congress. Done at Philadelphia, in the State of Pennsylvania, the ninth day of July, in the year of our Lord 1778, and in the third year of the Independence of America.

On the part and behalf of the state of New-Hampshire,
Josiah Bartlett,
John Wentworth, Jun.,
August 8th, 1778.

On the part and behalf of the state of Massachusetts-Bay,
John Hancock,
Samuel Adams,
Elbridge Gerry,
Francis Dana,
James Lovell,
Samuel Holten.

On the part and behalf of the state of Rhode-Island and Providence Plantations,
William Ellery,
Henry Marchant,
John Collins.

On the part and behalf of the state of Connecticut,
Roger Sherman,
Samuel Huntington,
Oliver Wolcott,
Titus Hosmer,
Andrew Adam.

On the part and behalf of the state of New-York,

Jas Duane,
Fras Lewis,
William Duer,
Gouv'r Morris.

On the part and behalf of the state of New Jersey, November
26th, 1778,

Jno Witherspoon,
Nath'l Scudder.

On the part and behalf of the state of Pennsylvania,

Rob't Morris,
Daniel Roberdeau,
Jona Bayard Smith,
William Clingan,
Joseph Reed,

22d July, 1778.

On the part and behalf of the state of Delaware,

Tho M'Kean,
Feb. 12, 1779,
John Dickinson,
May 5, 1779,
Nicholas Van Dyke.

On the part and behalf of the state of Maryland,

John Hanson,
March 1st, 1781,
Daniel Carroll,
March 1st, 1781.

On the part and behalf of the state of Virginia,

Richard Henry Lee,
John Banister,
Thomas Adams,
Jno Harvie,
Francis Lightfoot Lee.

On the part and behalf of the state of North-Carolina,

John Penn,
July 21st, 1778,
Corns Harnett,
Jno Williams.

On the part and behalf of the state of South-Carolina,

Henry Laurens,
William Henry Drayton,
Jno Matthews,
Rich'd Hutson,
Thos. Heyward, Jun.

On the part and behalf of the state of Georgia,

Jno Walton,

24th July, 1778,

Edw'd Telfair,

Edw'd Langworthy.

The characteristic features of the Articles of Confederation should be borne in mind. According to that instrument, the union was to be a league of friendship—a confederation—between “sovereign” states. A Congress, in which the states should have equal voice, was to manage their general interests. To this Congress were delegated most of the rights of sovereignty. But no means were given it by which it could execute its powers. It could only advise the states, and send them its suggestions, and they, if they chose, could ignore them.

All attempts at union, before the inception of the Revolution had failed ; because its necessity had not been sufficiently apparent to compel the states to surrender, for the general good, enough of their supposed interests to make union practicable. Revolution was now in progress and the people saw that they must unite in order to prosecute the war. In order to form a union, they knew that each state must yield something to the others. To yield as little as possible was the universal wish. The Articles of Confederation, as adopted, curiously attempted to harmonize the conflicting local interests of thirteen “sovereign” powers, with the general interests of a single power, which should lead them, while they controlled it. Throughout the Articles, the opposing interests struggle for the mastery.

The feature of the Articles of Confederation which is of special importance is the division of power which was contemplated. The Confederation was intrusted with sovereign rights, but lacked the vital principle of sovereignty—it possessed no power to enforce its rights. The

states retained all the means by which powers could be executed. They controlled the action of the Confederation by constituting themselves the only agents through which it could act. This was a peculiar relationship of the body and its members. The states made the Confederation theoretically sovereign by granting to it the prerogatives of sovereignty in accordance with the necessity of the situation. They pledged themselves to "abide by the determinations of the United States in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed in every state." But they made themselves the only instruments for the execution of the Confederation's decrees, and provided no penalty for failure to act; thus making it actually optional with each state whether it would notice the legislation of the Confederation. A study of the Articles of Confederation thus resolves itself into an examination of these two heads, viz :—The Powers of the States, and The Powers of the Confederation.

First : The Powers of the States. The states, in their rôle of sovereign powers, formed a perpetual Confederation. They declared that each state retained its "sovereignty," and that the Confederation was a "league of friendship." A congress, to care for general interests, was formed, and in it all states had equal voice. The representatives of a state could not cast individual ballots. The vote of each state was given in accordance with the decision of a majority of its representatives. The assent of nine states was required to the more important measures. Requisitions, or requests, for troops and taxes could be served on states by Congress; the states could not be coerced. The action of the Confederation depended upon the almost unanimous vote of the states on measures proposed in Congress. The states reserved nearly every practical power. The Confederation was

their creature and could move only by their united action. In form, by the letter of the Articles of Confederation, there were delegated to the Confederation all strictly national powers; but at the same time, the states reserved to themselves the means by which the powers could be put in operation. The states, therefore, needed only to ignore the advice or requisition of the Confederation, in order to negative all the nationality conferred upon it. The states had formed the Confederation in their political capacity of states, and they acted on the principle that the creator is greater than the thing created.

Second: The Powers of the Confederation. The Articles of Confederation, while professing to reserve to each state its "sovereignty," conferred on the United States, all the rights of sovereignty; except one, and that one the power to enforce its decisions. The people of each state were to have full rights in every other state. The United States alone could treat with foreign powers; levy duties; make treaties; declare war; keep war vessels; send and receive ambassadors; grant letters of marque and reprisal; appoint courts to try piracy; establish prize courts; manage Indian affairs and establish post-offices. These are sovereign powers; but they were restricted and hampered by the provision that nine states must assent to legislation which would put them in operation. The power of the Confederation was made sovereign by the Articles of Confederation; because to it was granted, by enumeration, the rights which belong only to sovereignty. But the powers which were enumerated and declared to belong to the Confederation, could rarely be executed, because the states did not provide means to execute them, although in granting to the Confederation sovereign powers they pledged themselves to execute its decrees. The states acted directly on the people and did possess means to execute any powers. The Confederation had no means to enforce its so-called sovereignty be-

yond advice, which was ignored, and requisitions which were disregarded.

ARTICLES OF CONFEDERATION.	{	POWERS OF THE STATES.	{	Retained their "sovereignty." Were the instruments to carry out the decrees of the Confederation. If states failed to act, they could not be coerced, and action by the Confederation was rendered impossible.
		POWERS OF THE CONFEDERATION.		<i>All Sovereign Powers:—</i> To declare war; send and receive ambassadors; make treaties; grant letters of marque and reprisal; appoint courts to try piracy; establish prize courts. Congress to be last resort in disputes between States. Regulate value of coin; fix standard of weights and measures; manage Indian affairs; establish post-offices; borrow money; build navy and agree on number of land forces. On the more important questions, nine states must agree to a measure. When a measure was adopted Congress could only recommend it to the states, and they could execute it if they chose. "One nation to-day and thirteen to-morrow."

Such was the form of the confederation. The states succeeded, in the articles of Confederation, in combining, **Operation of the Confederation.** on paper, two forms of sovereignty, which were to act together. They granted to the Confederation sovereign rights as they saw was necessary, but without that fundamental requisite of sovereignty—the power to enforce them. They retained all the means by which the powers could be executed. The Confederation, therefore, could not put in operation any of its powers; it depended upon the action of the states for the completion of all its designs;

it became in operation a purely advisory body, and was ignored or disregarded by the states, at their pleasure.

The Confederation could contract debts, but could not guarantee their payment ; it could make treaties, but could not put them in operation ; it possessed neither executive nor judiciary ; it could only legislate and advise ; it could not enforce its legislation nor make its advice respected.

After peace was declared, that slender respect which had been shown to Congress, as the organ of the Confederation, almost ceased. The states resumed the separate and individual existence which they had possessed before the war, and tendencies to disunion grew stronger. The Revolution had terribly exhausted the country ; industry was prostrate ; wealth had disappeared, and the finances were entangled. The outlook seemed hopeless. In this condition of affairs it became the common question how could prosperity be restored to the country.

The prostration of the country soon became so great that it was generally conceded that some active steps must be taken. Some few thought that thirteen separate sovereign states were desirable, but it was more commonly believed that if the general government was strengthened, so that it would possess some vigor, the country would regain its prosperity. This opinion was held by many of the leaders of the day. It gained ground slowly, and secured so many adherents that, about 1785, those who held it came to be designated Federalists, because they were in favor of a Federal Government as opposed to the existing Confederation. In the spring of 1785 commissioners from Maryland and Virginia met at Mount Vernon to prepare a compact for the jurisdiction of the waters common to both. Inspired by Washington, they went further, and recommended uniformity of duties, commercial regula-

tions, and currency. When the subject referred to the commission was under discussion in the fall, Madison caused to be proposed in the Virginia legislature that a convention of all the states be held "to digest and report the requisite augmentation of the powers of Congress over trade." The resolution was carried in January, 1786, and the invitation to a convention issued. Five states responded and sent commissioners to a convention held at Annapolis in September. As so few states were represented, it was determined to postpone action and endeavor to secure a general attendance. To this end, the convention recommended a general convention to be held in Philadelphia the ensuing spring and urged all the states to send delegates.

The Congress of 1787 passed the "Ordinance of 1787" for the government of the Northwest territory. In 1784 a committee, of which Jefferson was chairman, had proposed a plan for the temporary government of the Western lands of the United States, which lands had been ceded to the United States by Massachusetts, Connecticut, New York and Virginia. Jefferson's plan provided that after the year 1800 "there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes." The plan was adopted, with the exception of the provision regarding slavery, and that required the vote of but one more state for its adoption. The plan or "Ordinance of 1784" was not carried into operation.

By 1787 the increased settlements of the Northwest made some action necessary, and the "Ordinance of 1787" was then passed and put into operation. This ordinance substantially included the former one. It provided in Article VI "there shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted,"

This provision concerning slavery was often referred to in the long conflict which preceded secession. It gives to the Ordinance a peculiar interest. The Ordinance is given here entire because it is one of those state documents which ought to be understood by every student of our history.

ORDINANCE OF 1787.

JULY 13, 1787.

AN ORDINANCE FOR THE GOVERNMENT OF THE TERRITORY
OF THE UNITED STATES, NORTHWEST OF THE RIVER
OHIO.

Be it ordained, by the United States, in Congress assembled, that the said Territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained, by the authority aforesaid, that the estates, both of resident and non-resident proprietors in the said Territory, dying intestate, shall descend to, and be distributed among, their children, and the descendants of a deceased child, in equal parts; the descendants of a deceased child or grand-child, to take the share of their deceased parent, in equal parts, among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate, shall have, in equal parts, among them, their deceased parent's share; and there shall in no case be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one-third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said Territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be (being of full age), and attested by three witnesses, and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers

shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskias, Saint Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them relative to descent and conveyance of property.

Be it ordained, by the authority aforesaid, that there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office. There shall be appointed from time to time by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress. There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district, such laws of the original states, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards, the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same, below the rank of general officers. All general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil

officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made, shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; *provided*, that for every five hundred free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five, after which the number and proportion of representatives shall be regulated by the legislature; *provided*, that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years, and in either case shall likewise hold in his own right, in fee simple, two hundred acres of land within the same; *provided*, also, that a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years, and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office for five years, unless sooner removed by Congress, any three of whom to be a quorum, and the members of the council shall be nominated and appointed in the following manner, to-wit: as soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of

land, and return their names to Congress ; five of whom Congress shall appoint and commission to serve as aforesaid ; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term ; and every five years, four months at least before the expiration of the time of service of the members of council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent ; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue, and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office—the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house, assembled in one room, shall have authority by joint ballot to elect a delegate to Congress, who shall have a seat in Congress, with the right of debating, but not of voting, during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected ; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory ; to provide also for the establishment of states, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original states, at as early periods as may be consistent with the general interest :

It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever remain unalterable, unless by common consent, to wit :

ARTICLE I. No person, demeaning himself in a peaceable

and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

ART. II. The inhabitants of the said territory shall always be entitled to the benefit of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law; all persons shall be bailable unless for capital offenses, where the proof shall be evident or the presumption great; all fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any person's property, or to demand his particular services, full compensation shall be made for the same; and in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said Territory, that shall in any manner whatever, interfere with, or affect private contracts or engagements, *bona fide* and without fraud previously formed.

ART. III. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools, and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity, shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. IV. The said Territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alteration therein, as shall be constitutionally made; and to all the acts and ordinances of the United States, in Congress assembled, conformable thereto. The inhabitants and settlers in the said Territory shall be subject to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them, by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district, or districts, or new States, as in the original States, within the time agreed upon by the United States, in Congress assembled. The legislatures of those dis-

tricts, or new States, shall never interfere with the primary disposal of the soil by the United States, in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ART. V. There shall be formed in the said territory, not less than three, nor more than five states; and the boundaries of the states, as soon as Virginia shall alter her act of session and consent to the same, shall become fixed and established as follows, to wit: The western state in the said territory shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn, from the Wabash and Post Vincents due north to the territorial line between the United States and Canada, and by the said territorial line to the Lake of the Woods and Mississippi. The middle state shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by said territorial line. The eastern state shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line; provided, however, and it is further understood and declared, that the boundaries of these three states shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan: and whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted by its delegates, into the Congress of the United States, on an equal footing with the original states, in all respects whatsoever; and shall be at liberty to form a permanent constitution and state government: *Provided*, the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles: and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state than sixty thousand.

ART. VI. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of

crimes whereof the party shall have been duly convicted : *Provided*, always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained, by the authority aforesaid, that the resolutions of the 23d of April, 1784, relative to the subject of this ordinance, be, and the same are hereby repealed and declared null and void.

UNDER THE CONFEDERATION.	Congress of 1781.		{ Legislation relating chiefly to Revolution.		Exhaustion of Resources of the country by the protracted war.
	"	"	1782.	"	Industry Prostrate.
	"	"	1783.	"	Commerce Destroyed.
	"	"	1784.	General legislation.	Wealth Disappeared.
	"	"	1785.	"	Finances Entangled.
	"	"	1786.	"	Discouragement Prevalent.
	"	"	1787.	" Ordinance of 1787"	Tendency to Disunion Increasing.
	"	"	1788.	General legislation.	Outlook Hopeless.
					Movement for a vigorous Government.
					Constitutional Convention.

CHAPTER III.

FORMATION OF THE CONSTITUTION.

The Constitutional Convention met in Philadelphia on May 14, 1787, and organized on May 25, delegates from **Constitutional** nearly all the states having then arrived. **Convention.** Later, all but Rhode Island were represented. Washington was chosen president of the convention.

Two principal plans were presented to the convention, one by the New Jersey delegation, and known as the New Jersey plan, and the other by the Virginia delegation, and known as the Virginia plan. The former proposed to retain the existing Confederation and to strengthen it by giving it power over trade and commerce and some means to execute its powers. The latter contemplated an entirely new government, composed of executive, legislative and judicial departments; supreme within certain limits, and with means to enforce its decrees. After a careful examination of both plans, the convention decided that the New Jersey plan would not meet the grave necessities of the situation, and determined to take the Virginia plan as the basis of work to be done.

When this decision was reached the real labor of the convention began. There was broad difference of opinion as to how far the new government ought to be independent and sovereign, and with what rights and means it should be invested. Each state was jealous of the others and wished to surrender no right or privilege; interests seemed to clash, and a selfish, angry feeling predominated. On one side a vigorous government, which would

be sovereign in fact as well as in name, was demanded. It was sought to curtail the arrogant pretensions of the states to a "sovereignty" which they claimed, but had never exercised except in local affairs. On the other side, it was attempted to preserve to the states all the powers they then enjoyed, in spite of the disastrous failure of the Confederation. It was evident that a middle ground was necessary, and Madison, above all others, was the man to make it possible.

In deciding on the Virginia plan, a majority of the convention acquiesced in the necessity of a new and stronger form of government. But few were ready to go as far as the leaders who advocated the Virginia plan. These leaders, and the friends of the independent sovereignty of the states, could not harmonize. Their antagonism was so bitter that many members of the convention feared that no result was possible. The new government men insisted that it would be useless to frame another government like the Confederation which had already proved such a failure. The old government men contended that the Confederation would work if it was invigorated a little. Neither body would adopt the other's views—disagreement or compromise must result. The advocates of a stronger government then determined to yield a little if, by so doing, they could secure a constitution more vigorous than the Articles of Confederation; they would compromise the less essential parts, if thereby they might provide for a self-sustaining government.

In compromising the wide differences between the two conceptions of utility which obtained, the convention was fortunately situated. James Madison was a southern representative and leader, and thus closely allied to many of those who favored only a strengthening of the Confederation. He, at the same time, was thoroughly convinced of the necessity of framing an entirely new government. The Virginia plan was, in fact, based upon his sugges-

tions. Madison was able, moderate and persevering. No man was so well fitted to pacify and reconcile the opposing interests presented in the convention. He undertook the task and labored unremittingly to accomplish his object. At last he succeeded. That the constitution, in its conception and execution, is due to him more than to any other man, has been so far recognized, that to him has been given the title, "Father of the Constitution."

The Constitution as finally adopted by the convention on September 17, 1787 contained, in so large a degree, the principles of the men who had demanded a new and vigorous government, that some of the friends of the Confederation refused their signatures and approval. Nor were the statesmen who were chiefly instrumental in framing it, much better satisfied with the result. They had, indeed, secured a constitution designed to act directly on the people, and with means provided to enable the government to enforce it. But they feared that it was not sufficiently vigorous to make the government formed under it, self-sustaining. The compromises, which they had been compelled to make, had weakened their original plan. Still, it was the best that they could secure under the circumstances and was confessedly superior to the Articles of Confederation.

In this brief account of the Constitutional Convention the necessity of compromises has been alluded to frequently. These compromises will be explained as they are reached, in the commentary on the constitution.

CONSTITUTIONAL CONVENTION. Philadelphia, May 14—Sept. 17, 1787.	NEW JERSEY PLAN.	{ A proposal to continue the Articles of Confederation and strengthen them by giving them some means by which to act, so that Congress would not be wholly dependent upon the States. Rejected; because deemed insufficient.
	VIRGINIA PLAN.	{ A series of thirteen resolutions, framed according to suggestions of Madison, and contemplating an entirely new Government, composed of executive, legislative and judicial departments; to act directly on the people, and to be supreme within certain limits. Taken as the basis of a Constitution and nearly every suggestion in it used.
	RESULT.	{ A Constitution partly Federal—partly Republican. It is slightly Federal because, in a few instances, members and measures depend upon <i>States</i> . It is chiefly Republican because, in most instances, it acts directly upon the people.

The Constitutional Convention sent the completed Constitution to Congress, with a letter, signed by Washington, recommending that conventions be called in each state with the sole object of acting upon the Constitution, in order that its ratification might be the direct work of the people, instead of that of state governments. The advice of the Convention was taken, and the states, one after another, called conventions to ratify or reject it.

As soon as the Constitutional Convention adjourned, opposition to the Constitution began to be manifested. Those who inveighed against it did not agree in their reasons. Some were actuated by selfish motives; others by local affection, and others by a patriotic belief that it would prove monarchical and despotic in its operation. The last feeling was probably the most common one, and was very prevalent. The friends of the Constitution were

not satisfied with it—they only urged that it was the best that could be had. They now saw that they must exert themselves if it was to be adopted, and they did not hesitate.

The most notable contribution to the contest was the series of essays written by Hamilton, Madison and Jay, published in New York, and afterwards collected under the title of “*The Federalist*.” These articles treated exhaustively of the nature of government ; its forms ; of the Constitution in detail ; of the necessity for all its provisions, and of its probable operation. They were widely circulated, and largely influenced the result.

The first action on the Constitution was taken by the conventions of Delaware, Pennsylvania, and New Jersey, which ratified in December, 1787. Georgia and Connecticut followed in January, 1788. Massachusetts ratified in February, Maryland in April, South Carolina in May, and New Hampshire, the ninth state, on June 21st of the same year. Congress at once proceeded to prepare to put the Constitution into operation in accordance with the provision that it should be binding between nine ratifying states. On June 25th, 1788, Virginia ratified ; New York followed in July ; North Carolina in November, 1789 and Rhode Island in May, 1790. Massachusetts, Maryland, Virginia, New York and North Carolina proposed amendments.

ADOPTION
OF THE
CONSTITUTION.

{	Delaware, Dec. 3, 1787, unanimously.
	Pennsylvania, Dec. 13, 1787, 46 to 23.
	New Jersey, Dec. 19, 1787, unanimously.
	Georgia, Jan. 2, 1788, unanimously.
	Connecticut, Jan. 9, 1788, 128 to 40.
	Massachusetts, Feb. 6, 1788, 187 to 168.
	Maryland, April 28, 1788, 63 to 11.
	South Carolina, May 23, 1788, 149 to 73.
	New Hampshire, June 21, 1788, 57 to 46.
	Virginia, June 25, 1788, 89 to 79.
	New York, July 26, 1788, 30 to 27.
	North Carolina, Nov. 21, 1789.
	Rhode Island, May 29, 1790.

CONSTITUTION OF THE UNITED STATES.

PREAMBLE.

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I. LEGISLATIVE DEPARTMENT.

Section I. Congress in General.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section II. House of Representatives.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each State shall have at least one representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

4. When vacancies happen in the representation from any

State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

Section III. Senate.

1. The Senate of the United States shall be composed of two senators from each State, chosen by the Legislature thereof for six years, and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their officers, and also a president *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in case of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

Section IV. Both Houses.

1. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by

law, make or alter such regulations, except as to the place of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December unless they shall by law appoint a different day.

Section V. The Houses Separately.

1. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business ; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy ; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house during the session of Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Section VI. Disabilities of Members.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases except treason, felony, breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same ; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time ; and no person holding any office under the United States shall be a member of either house during his continuance in office.

Section VII. Mode of Passing Laws.

1. All bills for raising revenue shall originate in the House of Representatives ; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section VIII. Powers Granted to Congress.

The Congress shall have power :

1. To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States;

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7. To establish post-offices and post-roads,

8. To promote the progress of science and useful arts, by se-

curing for limited times to authors and inventors the exclusive right to their respective writings and discoveries ;

9. To constitute tribunals inferior to the Supreme Court ;

10. To define and punish felonies committed on the high seas, and offenses against the law of nations ;

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water ;

12. To raise and support armies ; but no appropriation of money to that use shall be for a longer term than two years ;

13. To provide and maintain a navy ;

14. To make rules for the government and regulation of the land and naval forces ;

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions ;

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress ;

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings ; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or office thereof.

Section IX. Powers denied to the United States.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight ; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or *ex-post-facto* law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another ; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury but in consequence of appropriations made by law ; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States ; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign state.

Section X. Powers denied to the States.

1. No State shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make anything but gold and silver coin a tender in payment of debts ; pass any bill of attainder, *ex-post-facto* law, or law impairing the obligation of contracts ; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws ; and the net produce of all duties and imposts laid by any State on imports or exports shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delays.

ARTICLE II. EXECUTIVE DEPARTMENT.

Section I. President and Vice-President.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows :

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress ; but no senator or repre-

sentative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each ; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed ; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President ; and if no person have a majority, then, from the five highest on the list, the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President ; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President ; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President ; and such officer shall act accordingly, until the disability be removed or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished

during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation :

“ I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

Section II. Powers of the President.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States ; he may require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices ; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur ; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for and which shall be established by law ; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

Section III. Duties of the President.

He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient ; he may, on extraordinary occasions, convene both houses, or either of them ; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper ; he shall receive ambassadors and other public ministers ; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section IV. Impeachment of the President.

The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III. JUDICIAL DEPARTMENT.

Section I. United States Courts.

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Section II. Jurisdiction of the United States Courts.

1. The Judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made, under their authority; to all cases affecting ambassadors, or other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Section III. Treason.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of

treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV. THE STATES AND THE FEDERAL GOVERNMENT.

Section I. State Records.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section II. Privileges of Citizens, etc.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section III. New States and Territories.

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

Section IV. Guarantee to the States.

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of

them against invasion ; and, on application of the Legislature, or of the executive (when the Legislature cannot be convened), against domestic violence.

ARTICLE V. POWER OF AMENDMENT.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress ; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article ; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI. PUBLIC DEBT, SUPREMACY OF THE CONSTITUTION, OATH OF OFFICE, RELIGIOUS TEST.

1. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land ; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

3. The senators and representatives before-mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution ; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII. RATIFICATION OF THE CONSTITUTION.

The ratifications of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States

present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth.

In witness whereof we have hereunto subscribed our names,

GEO. WASHINGTON, *President,*
and *Deputy from Virginia.*

New Hampshire—John Langdon, Nicholas Gilman. *Massachusetts*—Nathaniel Gorham, Rufus King. *Connecticut*—William S. Johnson, Roger Sherman. *New York*—Alexander Hamilton. *New Jersey*—William Livingston, David Brearley, William Paterson, Jonathan Dayton. *Pennsylvania*—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimmons, Jared Ingersoll, James Wilson, Gouverneur Morris. *Delaware*—George Read, Gunning Bedford, jun., John Dickinson, Richard Bassett, Jacob Broom. *Maryland*—James M'Henry, Daniel of St. Thomas Jenifer, Daniel Carroll. *Virginia*—John Blair, James Madison, jun. *North Carolina*—William Blount, Richard Dobbs Spaight, Hugh Williamson. *South Carolina*—John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler. *Georgia*—William Few, Abraham Baldwin.

Attest :

WILLIAM JACKSON, *Secretary.*

IN CONVENTION, MONDAY, SEPTEMBER 17, 1787.

Present. The States of New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

Resolved, That the preceding Constitution be laid before the United States in Congress assembled, and that it is the opinion of this convention that it should afterwards be submitted to a convention of delegates, chosen in each State by the people thereof, under the recommendation of its legislature, for their assent and ratification ; and that each convention, assenting to and ratifying the same, should give notice thereof, to the United States in Congress assembled.

Resolved, That it is the opinion of this convention, that as soon as the conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a day on which electors should be appointed by the States which shall have ratified the same, and a day on which the electors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution. That after such publication the electors should be appointed,

and the Senators and Representatives elected ; that the electors should meet on the day fixed for the election of the President, and should transmit their votes certified, signed, sealed, and directed as the Constitution requires, to the Secretary of the United States in Congress assembled ; that the Senators and Representatives should convene at the time and place assigned ; that the Senators should appoint a president of the Senate, for the sole purpose of receiving, opening, and counting the votes for President ; and that, after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution,

By the unanimous order of the convention.

GEORGE WASHINGTON, *President*.

WILLIAM JACKSON, *Secretary*.

IN CONVENTION, SEPTEMBER 17, 1787.

SIR. We have now the honor to submit to the consideration of the United States in Congress assembled, that constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired that the power of making war, peace, and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the General Government of the Union ; but the impropriety of delegating such extensive trust to one body of men is evident : hence results the necessity of a different organization.

It is obviously impracticable, in the Federal Government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved ; and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American—the consolidation of our Union—in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the convention to be less rigid on points of inferior magnitude than might have been otherwise expected ; and thus the Constitution which we now present is the result of a spirit of amity, and of that mutual deference and

concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State, is not, perhaps, to be expected; but each will doubtless consider that, had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect, we have the honor to be, sir, your excellency's most obedient, humble servants.

By unanimous order of the convention.

GEORGE WASHINGTON, *President*.

His excellency the PRESIDENT OF CONGRESS.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in active service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not granted to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or

prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

1. The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of death or other constitutional disability of the President.

2. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly con-

victed, shall exist within the United States, or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male members of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or holding any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid and comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave;

but all such debts, obligations, and claims shall be held illegal and void.

5. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

ARTICLE XV.

1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.

2. The Congress shall have power to enforce the provisions of this article by appropriate legislation.

CONSTITUTION.	LEGISLATURE.	Senate.	Law making power in connection with House.
			Treaty making power in connection with President.
			Appointing power in connection with President.
		House of Representatives.	Sole Right to try Impeachments.
			Law making power in connection with Senate.
			Sole Originator of Money Bills.
	EXECUTIVE.	President	Sole Right to institute Impeachments.
			Executes Laws.
			Makes Treaties with consent of Senate.
		Vice-President	Makes Appointments with consent of Senate.
			Has qualified Veto on all Legislation.
	JUDICIARY.	Supreme Court.	Presides over Senate.
			Acts as President in case of Death, Disability or Incapacity of the President.
		Inferior Courts.	Has qualified Veto on all Legislation.
			Presides over Senate.
	RIGHTS AND POWERS.		Acts as President in case of Death, Disability or Incapacity of the President.
			Has qualified Veto on all Legislation.

II

NATURE OF THE CONSTITUTION.

THE CONSTITUTION.

PREAMBLE.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The Constitution opens with a brief, declarative statement in which are set forth the actors ; their objects, and the means employed to obtain those objects. The *actors* are the people of the United States taken collectively. When the Articles of Confederation were adopted in 1781 the people took no action. There was then no attempt to form a national government emanating directly from the people. On the contrary, the states, in their political capacity, united in a confederation which they made nominally sovereign. Its peculiar characteristics were due to the local ambitions of the states to maintain individual sovereignty. Had the people themselves framed the Articles of Confederation, a more vigorous government would probably have been formed. The imbecility and consequent failure of the Confederation had become apparent. It was plain that a league between states could not succeed, and it was seen that the new government must originate with the people themselves. The same body which formed the constitutions of the states and gave them their authority, must form the Constitution of the Union. The power granted to both proceeds from the people. They conferred upon the Union the rights of

sovereignty and national supremacy—upon the state, supremacy in that which was purely local.

The *objects* to be attained by the people were “more perfect union,” “justice,” “domestic tranquillity,” “common defense,” promotion of “the general welfare” and to “secure the blessings of liberty.”

The phrase “more perfect union” alludes to the lax union which existed under the Confederation. The imperfect character of this union was the cause of its failure. A closer and more perfect union was now to be sought.

“Justice” had not been established under the Confederation. No judiciary had existed, nor could the rights of the citizen of one state be enforced in another. It was necessary to remedy this fault.

The Confederation had possessed no means by which it could ensure “domestic tranquillity.” The Shays Rebellion in Massachusetts had defied the state, and the Confederation had had no power to assist it. Sufficient power had to be provided.

The general weakness of the Confederation had made it impossible for it to enforce its decrees. It could not adequately “provide for the common defense, promote the general welfare” or “secure the blessings of liberty.” A new government, with powers derived directly from the people, could alone accomplish these ends.

The *means* employed by the actors to secure these objects was the Constitution, which will now be considered in detail.

ARTICLE I. LEGISLATIVE DEPARTMENT.

SECTION I. *Congress in General.*

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The committee of the Constitutional Convention, which decided upon the style and arrangement of the Constitu-

tion, treated first of the legislative department. The Constitution is the organic or fundamental law of the land. It establishes the principles and methods by which the people will govern themselves. In order that government may exist and laws be enacted, a legislature is required. The Constitution, therefore, opens with a provision for it.

Under the Confederation, Congress had consisted of a single body in which were vested the powers granted by the Articles. This form had not proved satisfactory, and a change was determined on. In England, the only country which had permanently established constitutional government, the legislature was composed of two houses. The council of nobles had become the House of Lords, which is a hereditary body, and the upper house of the legislature. Representatives of the people, who were first regularly assembled about the 12th century, formed the lower and more numerous house. This form of a legislature had proved successful. It required the coöperation of both houses for the enactment of laws, one house acting as a check upon the other.

Two houses were, therefore, provided for—the Senate and the House of Representatives.

SECTION II. *House of Representatives.*

Clause 1. The House of Representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

The House of Representatives is commonly known as the lower or more popular house of Congress. These terms are used because its functions, in some respects, are less important than those of the Senate, and because the larger number of members who compose it are selected directly by the people.

Under the Confederation, members of Congress were

elected by the state legislatures, for a term of one year. The new government was not a confederation ; but emanated directly from the people, who, therefore, chose their own representatives. Two years was made the term of service, and a new Congress was to be elected every second year. The Confederation had allowed the members of Congress to sit only three years in every term of six years. This peculiar provision was omitted in the Constitution and a member could be indefinitely reëlected. There had been some fear expressed that if members sat for too long a time Congress would become despotic. Of that, however, there was very little danger. Members of the English House of Commons are elected for seven years.

In 1787, the states had their own qualifications for electors ; often different in different states. The wisest course which the Constitutional Convention could take was to interfere as little as possible with affairs which the states considered local and private. It was, therefore, provided that those qualifications which were necessary in each state for election to the more numerous branch of its legislature should also be necessary for election to the national House of Representatives.

Clause 2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

This clause provides for a few specified qualifications for a representative in the national Congress in addition to those required in the states. It makes three conditions which are simple and yet, at the same time, of such a nature that it would be difficult to elect a man who was totally unfit to be a representative.

It is required that a candidate be 25 years of age, or four

years more than his legal majority. This is to ensure stability of character and a reasonable degree of knowledge. He must have been a citizen of the United States for seven years in order that he may be well acquainted with its character, constitution and laws. Thirdly, he must, when elected, reside in the state in which he is chosen, that he may intelligently represent the interests of his own section.

Clause 3. Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

This clause makes a provision entirely different from anything in the Articles of Confederation. The people were now to be represented directly in Congress according to their number in each state. This provision caused much debate in the Constitutional Convention. Northern members claimed that the number in each state should mean only the *free citizens* of the state. Southern members insisted that it should include the *whole population*, thus counting negroes. If slaves were to be included in the term "numbers," the south would secure a peculiar influence in national legislation. The blacks could not vote or hold office. If they were counted, every southern white would possess more than one vote as compared with the northern voter. If the number of slaves equaled

the number of whites, the south would have exactly twice as many representatives as the north for an equal white population.

To secure so desirable an end, and attain such a preponderance of power in Congress, southern members insisted that the whole population be counted. But to this northern members would not consent. Each side was determined to carry its point. Neither would yield—so they finally compromised. Compromise was substantially a victory for the south. There was no reason why a southern white should possess a greater political influence than a northern white. If a single slave was included in the count of numbers, then the southerner did possess a greater political influence.

The north agreed to allow three-fifths of the slaves (“all other persons”) to be counted. Therefore every 50,000 slaves were counted as 30,000 free persons and could have one representative in 1790. They did not elect this representative themselves. He was elected by the white voters *in addition to* their own representative. Thus, with the establishment of the constitution, the south was guaranteed by that instrument itself, a political preponderance. This would not have been the case, had not the north been led to believe that slavery would soon disappear, owing to the cessation of the slave traffic and the increasing number of free blacks.

It was also provided that direct taxes should be apportioned according to numbers. This would tax the southern white more than the northern white, in exactly the same proportion that he held greater political influence. This would apparently equalize the interests of the sections. But it so happens that direct taxes are very unpopular and have very rarely been laid—only five times. All our taxes are indirect. The south, therefore, has practically never been called upon to pay anything for its political preponderance.

It was provided that a census be taken within three years after the meeting of the first Congress, in order to ascertain the numbers on which representatives and direct taxes were to be based, and a new one every ten years thereafter. There should not be more than one representative for 30,000 persons. Until an enumeration could be made, representatives were assigned to the states according to the judgment of the Convention, viz. :

New Hampshire.....	3	Delaware.....	1
Massachusetts	8	Maryland.....	6
Rhode Island.....	1	Virginia.....	10
Connecticut	5	North Carolina.....	5
New York.....	6	South Carolina.....	5
New Jersey.....	4	Georgia	3
Pennsylvania	8		

Clause 4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

Provision is here made to preserve intact the number of representatives. It is desirable that all sections shall always be represented, in order that legislation may be equable. If, therefore, a vacancy is caused in any way—by removal, resignation or death—the governor of the state which loses the member is obliged to cause an election for a successor to be held. This successor holds office for the balance of the term for which his predecessor was elected.

Clause 5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

By this clause, the House is directed to perfect its own organization—to choose its speaker and other officers.

The speaker is the president or presiding officer. He derives his name from the duty, formerly devolving upon

him, to respond to the address of the Crown or executive head of the government.

The speakership is usually secured by the most active and able member of the party which possesses a majority in the House. It is, in some respects, the most important position in the government next to the presidency, and for this reason : The speaker appoints all the standing committees of the House. He names for them men whose character, opinions and ability he knows. These committees shape and largely control the legislation of Congress. The speaker, therefore, by appointing men favoring certain measures provides for certain legislation. No other officer of the government possesses a comparable influence. Nothing like it exists in the Senate ; for that body elects its committees.

The other officers of the House are a clerk, sergeant-at-arms, door-keeper, postmaster and chaplain.

To the House is confided the sole power of impeachment. This is done because it is the popular branch of the legislature and is supposed to accurately represent the feelings of the people. Impeachment relates only to the higher executive and judicial offices from which the incumbents cannot be removed. The House becomes the accusing party, and appoints a committee to prepare the case for presentation to the Senate when it is tried.

SECTION III. *Senate.*

Clause 1. The Senate of the United States shall be composed of two senators from each State, chosen by the Legislature thereof for six years, and each senator shall have one vote.

The formation of the Senate differs from that of the House. It is composed of two members from each state without regard to its population. The senators are chosen by the state legislatures and are not elected by the people.

The character of the two houses of Congress depends upon the methods of electing them. The House is elected

by the people according to their numbers, and is thus purely *republican* in character. The Senate is elected by the state legislatures, each choosing two senators. It represents the state governments and is thus *federative* in character.

If, however, it was purely federative, the two senators from a state could cast but one vote. Each senator is entitled to his own vote. The two senators from a state may, and often do, vote on opposite sides of a question. Hence, the state which they represent, loses its vote *as a state*. The method of voting in the Senate is not federative ; but republican. That body, therefore, while federative in its formation, is republican in its methods.

In the Continental Congress each state possessed one vote. The framers of the Constitution saw that a national legislature could not exist with such a provision. A republican government must represent the people directly. They, therefore, sought to make such provision for both houses of Congress. To this the small states objected. Under the Confederation they had enjoyed an undue influence because all votes were by states. This unfortunate arrangement had been due to a resolution of the first Continental Congress (1774) which

“*Resolved*, That in determining questions in this Congress, each colony, or province shall have one vote: the Congress not being possessed of, nor at present able to procure, proper materials for ascertaining the importance of each colony.”

Following this precedent, voting had always been by states, and the small states were now unwilling to surrender what they had gained in 1774.

At last it was made so evident that representation in the popular house of Congress should be according to population, that it was agreed to ; with the understanding that in the upper house the basis should be different. Various methods were proposed but none were satisfac-

tory. The large states claimed that population was the only fair basis; the small ones that representation by states was alone fair. The small states had yielded in the constitution of the House; the large states now yielded in the constitution of the Senate. A compromise was made. One branch of Congress represented republican principles, the other, federative principles. The former was in answer to the evident necessities of the time; the latter in deference to the prejudice and influence of the states.

The senatorial term was, after much discussion, fixed at six years. The Senate is a smaller and more select body than the House. It is supposed to be composed of older and more experienced men, and to be more conservative. Serving for a longer time, its members are presumed to be less moved by popular excitement, and to be able to modify any ill-judged action of that body.

Clause 2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

This clause provides for the division of senators of the first Senate into three classes, to serve two, four, and six years respectively. At every election thereafter one-third of the Senate was to be chosen for the regular term of six years.

This provision was made in order to always secure the presence of experienced members. Not more than one-third of the Senate can be new at any time; one-third will have served two years and one-third four years.

If a vacancy occur in the Senate, when the legislature of the state which has the vacancy is not in session, the governor of that state may make a temporary appointment. The state legislature shall, at its next session, fill the vacancy.

It is not provided that the governor *shall* fill the vacancy; though, in case of a vacancy in the House, he *shall* cause an election to be held, in order to fill it. This is because members of the House are the direct representatives of the people. Senators are elected by the state and are indirect representatives of the people. It is not considered so important that their ranks shall always be full.

Clause 3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

In forming Congress, it is generally believed that the Constitutional Convention had in mind the English Parliament. Our House of Representatives was made to resemble the House of Commons, and our Senate to conform somewhat to the House of Lords. The House of Lords is hereditary and naturally more conservative than the Commons. The Senate was made much smaller than the House and was given a term of service three times as long.

This clause makes further provision for the stability of the Senate. A member must be 30 years old, or five more years than is required for election to the House. He must have been nine years a citizen of the United States, instead of seven as in the House.

These provisions all look to the formation of the Senate from the ablest and most experienced statesmen. Men who have served long in the House are to look to the Senate for honorable promotion.

When elected, a senator must be an inhabitant of the state for which he is chosen.

Clause 4. The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The only duty which the Constitution assigns to the vice-president is to serve as President of the Senate. In that capacity he has no vote unless the Senate be equally divided.

Clause 5. The Senate shall choose their other officers, and also a President *pro-tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate chooses all its officers except its president. They are a secretary, chief clerk, executive clerk, sergeant-at-arms, doorkeeper and chaplain.

In case of the absence of the vice-president, whether from ordinary cause, or on account of being called to the presidency, the Senate chooses a president *pro-tempore*. The president *pro-tempore* does not lose his vote when he becomes the presiding officer. He retains it, in order to preserve intact the representation from his state.

Clause 6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

It is provided that the House, which is the popular branch of Congress, shall originate all impeachments of officers of the government. The House is the accusing party and, therefore, not a suitable tribunal. When an officer is impeached by the House, he must be tried before the Senate, whose greater experience and conservatism render it a more judicial body.

The vice-president does not, in case of the impeachment of the president, preside over the Senate. In this

case the vice-president is an interested party, because, if the impeachment is carried, he becomes president. The Chief Justice of the United States, therefore, presides.

To convict requires more than a simple majority vote—two-thirds are necessary. This is to prevent an impeachment being possible unless the case is so evident that at least two-thirds of the senators present agree on it.

Clause 7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.

Impeachment of an officer of the United States is generally for neglect of duty or disobedience to the laws. The offense is against the United States and is political rather than criminal in its character.

The penalty, from the government, to which an impeached officer is liable, is strictly limited by the Constitution to removal from office and disqualification for any United States office. This is the political penalty. The impeachment is usually for a political crime—an offense against the state. Removal and disqualification are held, by the Constitution, to be sufficient punishment, and nothing further is allowed. But it may be that the cause of impeachment is criminal conduct. The Constitution particularly provides that in such cases the offender shall be liable to indictment, trial, judgment and punishment according to law. It places no limit on the punishment which the law shall mete out in due course. The limitations which it sets relate only to impeachment for political cause, and restrain the punishment to political degradation.

SECTION IV.

Clause 1. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may

at any time by law make or alter such regulations, except as to the places of choosing Senators.

The sentiment of incipient state sovereignty which existed in 1787 made it necessary for the Constitutional Convention to delegate to the states such powers and privileges as could be assigned them without derogation to the national government.

It was provided that electors of representatives should have the same qualifications as those requisite for electors to the most numerous branch of the state legislature (Sec. II, clause I), in order that existing state regulations should not be disturbed. Looking to the same end, it was here provided that the times, places and manner of holding elections for senators and representatives shall be prescribed by each state. Such a provision indicates a studious attempt to refrain from interfering with local affairs. The feeling was such in 1787 that this provision was required.

But the Constitutional Convention recognized that if Congress had no power to regulate elections for its own members, grave complications might result. It was, therefore, provided that Congress *may* by law make regulations which should supersede all state laws. Congress can, therefore, make the time and manner of elections uniform, and decide on the places, within each state, where they shall be held. But Congress can not name the place of choosing senators; because they are chosen by the state legislatures, and it would be undue interference with state affairs to name the place of meeting for the legislatures.

Clause 2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

The existence of each Congress is for two years. It is obliged to assemble at least once a year and must, there-

fore, hold not less than two sessions. In case of emergency it may hold more.

Elections throughout the country usually took place in the fall. In order that representatives might assemble fresh from the people, and be disposed to careful legislation, a day for their assembling was named in early winter. It was, at the same time, permitted to Congress to appoint a different day, that a better one might be secured if experience disposed them to change.

SECTION V.

Clause 1. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business ; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Legislative bodies generally are judges of the elections of their own members. This clause of section v provides that this common right shall belong to both houses of Congress. It also declares what shall constitute a quorum. A majority is made necessary, in order that all legislation may represent as large a portion of the people as possible. In many bodies a quorum is constituted by a number much less than a majority, so that business may be transacted if a respectable number is present. In a republican government, however, where a majority rules, it was deemed best to require a majority to be present in the legislature, in order to make action possible.

As it might sometimes occur that less than a majority would assemble at the appointed time, it is provided that less than a quorum shall have the right to assemble, and to compel the presence of absent members. The House has provided that fifteen members, including the speaker, can exercise this power.

Clause 2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

The rights here conferred upon Congress are such as are necessary to enable the Senate and House to prepare methods of procedure, and to maintain their good order and dignity. They are essential to the maintenance and preservation of legislative bodies.

No express provision is made for the punishment of persons guilty of offenses against Congress ; but the necessary power is held to appertain to that body, and has so been judicially decided. It is limited to imprisonment, but that not beyond the session of Congress.

Clause 3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy ; and the yeas and nays of the members of either house, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

At the time of the formation of the Constitution great suspicion was held to rest upon any body whose proceedings were secret. The long struggle with England, and the prostration consequent upon it, had filled many minds with distrust and anxious forebodings. The new government would concentrate in itself more power than any American government had yet possessed. It, therefore, must record all its doings and from time to time publish the same, excepting only such parts as might require present secrecy. It was designed that the people should always be cognizant of the acts of their representatives.

For the same reason, the Constitution provides that the votes of the members shall be recorded at the desire of one-fifth of those present. One-fifth is selected as the requisite number in order that a very few persons may not have it in their power to delay business by demanding the yeas and nays. The call must be made by a respectable number. Under the Confederation a single member could do what now requires at least one-fifth.

Clause 4. Neither house during the session of Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

The Congress of the Confederation was a permanent body; it was not periodically dissolved. It could adjourn for a period not to exceed six months and, when not sitting, could appoint a committee of one from each state to sit, and to care for minor interests. It, or its committee, was always in session.

The Constitution changed this. Congress meets at fixed times and exists two years. It then dissolves by Constitutional decree. It is composed of two houses between whom harmony of action is necessary. It is, therefore, provided that neither house shall adjourn for more than three days, or to any other place than that in which the two houses are sitting. If such provision was not in our fundamental law, either house could prevent legislation by adjournment, or render it difficult by removal to another place.

SECTION VI. *Disabilities of Members.*

Clause 1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

The government formed under the Constitution was to possess means to attract to its service the best talent. It was to pay its senators and representatives a compensation, to be fixed by law. The Confederation had possessed no such power. Its Congress was a Federal body. Representatives in it had been paid by the states, each state fixing the amount, in accordance with its own ideas.

It was plain that under a national government all mem-

bers should fare alike and this clause provides for it. This measure, also, makes them more independent in action than they could be if they relied upon the states for support.

In order that Congress may not be deprived of a member, nor the people of a representative, its members are privileged from arrest during its sessions, except for the grave offenses enumerated—treason, felony, and breach of the peace.

That freedom of debate may be perfectly secured, it is provided that no member shall be called in question, elsewhere, for his speech.

These are pledges of the government to provide a clear way to fair and unprejudiced legislation.

Clause 2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

This clause makes provisions which are intended to secure Congress from a certain kind of demoralizing legislation. Had such regulation not been made Congress could create new offices in order that its members might fill them; or it could increase the compensation of certain offices with the same object in view.

No person can become a member of Congress while holding a United States office. Every senator or representative must be able to devote all his time and energy to his legislative duties, and must not retain any other charge under the United States. He may have personal interests that will occupy as much of his time as would some United States offices; but the Constitution does not interfere with these. It only regulates that which is within the immediate province of the Govern-

ment, and supposes that its officers will devote themselves to its interests.

SECTION VII. *Mode of passing Laws.*

Clause 1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

This clause is based upon a supposed resemblance of Congress to the English Parliament. In that body, the House of Commons, at an early period, assumed the sole right to originate money bills. Parliament was formed by slow degrees, in the course of many years. The English Constitution came gradually into existence through custom, charters, and legislation. Under such conditions the bulk of the people had, at first, no representatives. At last the Commons was formed. It claimed that as the people paid the taxes, their representatives should alone vote them. Then it refused to vote money until redress for wrongs was obtained, and thus it obtained power.

Our Constitution is a written document, specifying the powers which government possesses. The Senate, though not so popular a branch as the House, is neither hereditary nor aristocratic; but is dependent on the people. Those who framed the Constitution did not realize these facts. At first, they proposed to give the Senate no power whatever to consider money bills. Finally it was decided that if the House alone was permitted to originate them, the Senate might safely be allowed to propose amendments.

The clause, as it exists, works no injury; and is a good example of the influence of the English Constitution on our own.

Clause 2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his ob-

jections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

The president, by this clause, participates in all legislation. For any measure to become a law it must pass both houses of Congress and receive his approval, or, if not receiving it, must be passed a second time by Congress, by at least two-thirds of both houses. Congress has thus a limitation upon its legislative powers, designed to counteract hasty or ill-advised action.

All bills must be sent to the president before they can become law. The chief executive of the nation is supposed to be able to judge, in certain cases, more clearly and impartially than Congress. He, therefore, is authorized to withhold his signature, and to state his objections to a bill. When he takes this course, Congress is compelled to reconsider the bill, and cannot pass it unless two-thirds concur. As a president will veto a bill for very weighty reasons only, it cannot very often happen that one to which he objects will become a law.

When a bill is returned to Congress with the president's veto, the vote on it is to be taken by yeas and nays, and the vote of each member recorded. This aids in securing thoughtful action, as no right thinking man will put himself on record for a bad measure.

A president might seek to defeat a bill by ignoring it, after it was presented to him, if he was not required to

make his decision known within a specified time. That he may not adopt such a course, he is obliged to present his veto within ten days. If he neither approves or disapproves it within that time, it still becomes a law. If, however, Congress should adjourn before ten days have expired, the president would not have had his full constitutional opportunity to examine it. It could not be returned to Congress, as that body would not be sitting, and the ten days' clause would be inoperative.

Clause 3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the President of the United States, and, before the same shall take effect, shall be approved by him; or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

This clause carries out in minute detail the provision of the previous clause. It provides that all orders, resolutions and votes, as well as bills, shall be submitted to the president for his approval. All proceedings of Congress, even the most trivial, are thus subjected to executive scrutiny.

Were any class of acts of Congress capable of going into force without executive sanction, a measure known to be objectionable to the president could be brought within its scope, and thus passed. Such a course is made impossible by the careful provisions here made.

SECTION VIII.

The Congress shall have power—

Clause 1. To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States: but all duties, imposts, and excises shall be uniform throughout the United States.

In this section of the Constitution there are enumerated the principal powers which appertain to sovereignty and

which, consequently, devolve upon Congress. They are eighteen in number. Five of the more important ones had been granted to the Confederation under the old articles ; viz. : to borrow money ; to regulate commerce ; to coin money ; to establish post-offices, and to declare war. The Confederation was not self-sustaining and had been unable to avail itself of what it nominally possessed. It became inoperative because it was unable to enforce its powers.

To the Constitution was granted all of the powers of the Confederation, and such other supplementary ones as were necessary to enable it to maintain its own existence and to preserve the nationality of the government.

The question of the number and character of the powers to be granted to the Constitution, divided the Constitutional Convention. By degrees, that body was brought to see the necessity of granting strictly national powers. To frame a government, national in form, was not sufficient. The prevailing feeling against a strong government would prevent acknowledgments of a right to nationality unless it was placed beyond dispute by positive enactment. The Convention recognized the sentiment of the country and provided a remedy. It devoted a section of the Constitution to a statement of the chief powers appertaining to sovereignty, declaring that Congress possessed them. The language of the Constitution is simply declarative—"Congress shall have power." The powers specified are the important ones whose lack had destroyed the Confederation. They are those upon which every government relies for its existence and perpetuation. They are the fundamental or organic powers of independent government. Being such, they, of necessity, by virtue of their own vigor, contain and include all minor powers which may be required in exercising the prerogatives of independent sovereignty. Every individual right belonging to a free government could not be specified. It is

only required to assert those which are strictly sovereign. All others are legitimate consequences, and inevitable results. The enumeration of powers in this section is not designed to be exhaustive. It is only intended to indicate those which are fundamental. All which necessarily flow from them are part and portion of those specified.

The first of the enumerated powers is one which is essential to independent sovereignty ; without it government could not exist. The Confederation did not have it and therein experienced one of its chief sources of weakness. Government can not be carried on without financial means. To provide for them was, therefore, the first thought of the Constitutional Convention.

It often becomes necessary for a government, as for an individual, to contract debts. It is consequently here specified that Congress shall have power to pay them.

In addition to these natural provisions, Congress is authorized to provide for the *common defense and general welfare*. These phrases are so general in their meaning, and comprehensive in their scope, that it is impossible to define the limit of the power granted by them. It may be supposed, on the one hand, that only that which is imperative is intended ; on the other, that what is beneficial is equally within the meaning of the text. While there is enough of uncertainty to make discussion possible, all probability points to the broader view. Had it been intended to limit the powers of Congress to the smallest appreciable amount, it would have been so stated. As general powers are expressly provided for, it is justly inferred that they extend to all cases of common benefit as well as of common necessity.

The clause further provides that all duties, imposts and excises shall be uniform throughout the United States, thus doing common justice to all citizens.

Under the Confederation each state had levied its own taxes and, naturally, the taxes had not been uniform

throughout the Union. Such a condition could not justly exist under a national government ; uniformity must prevail.

Clause 2. To borrow money on the credit of the United States.

A government must have power to borrow money. In the ordinary course of events, in times of peace, the revenue should be sufficient to meet all needs. But in case of war, or on extraordinary occasions, larger sums will be required than can be at once raised in the ordinary manner. It then becomes necessary to borrow from capitalists, at home or abroad, and to pay a reasonable interest for the money borrowed, until means are devised to raise a revenue sufficient to pay the debt.

Clause 3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

The right to regulate commerce with foreign nations appertains to sovereignty. It was granted to the Confederation, for under it treaties could be made, though infractions by the states could not be punished.

The Confederation could not regulate commerce among the states. Its inability to do this was one reason why the Annapolis Convention was called, as has been explained. All that the Confederation did was to provide that citizens of one state should have the rights, in every other state, which were granted to their own citizens. As this provision could not be enforced, it became worthless.

The Constitution possesses means to enforce its powers. This provision was essential to secure equal rights and would be enforced.

The Indians are regarded as wards of the government. It, therefore, must have the power to treat with them and care for them ; hence this provision.

Clause 4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

This clause relates to citizens of the United States. Those are natural citizens who are born within the United States. Other persons, born in foreign countries, may become citizens by complying with certain requirements, prescribed by Congress. Compliance with these regulations is called naturalization. It is the method employed to form citizens out of foreign born inhabitants.

A state is primarily composed of its natural citizens. They have formed its government and laws and have infused into them their spirit. It, therefore, is a just and natural right of the government so formed, to pronounce on what terms it will admit into its political membership, foreign persons whose traditions, feelings and education differ from those of the founders of the state. To admit them without preparation for their new duties would often be dangerous. To prevent such danger, rules of naturalization are formed.

A rule of naturalization prescribes the method of attaining citizenship. It requires the person to reside for a certain period in the country, and to be of a suitable specified age. It is supposed that after these requirements have been complied with, the new citizen has become enough acquainted with the institutions of the country, and is in sufficient sympathy with its spirit to enable him to become a good citizen.

The Confederation had no power to establish a uniform rule on this subject. Being left to the states, there were many differences, and he who was a citizen in one state, was not one in another. This absurdity was superseded in the Constitution by the provision just described.

This clause also provides for uniform laws on the subject of bankruptcies. A commercial regulation is appended to one which is political.

It is designed by uniformity of law to secure equal justice to all citizens. Under the Confederation each state had enacted its own laws. Under the Constitution all subjects which interested the entire people were to be treated in a common way.

Clause 5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures.

The power to coin money is an incident of sovereignty. It is one of the enumerated powers of the Constitution partly because of its importance, and partly because it was different from the power which the Confederation had enjoyed. The Confederation had not possessed the supreme right to coin money ; but had shared it with the states. That arrangement was crude and impracticable. It was one of the many cases in which the Confederation was given a nominally sovereign power, but curtailed and rendered abortive by federal limitations.

The right to regulate the value of foreign coin is closely connected with regulating the value of home coinage. It is necessary in order to secure uniformity of valuation.

Different standards in money, weights or measures cannot exist in one country, possessing intimately connected parts, without injury to the interests of all, nor without perpetual inconvenience. Weights and measures are in constant use and must have a uniform standard. If such does not exist, Congress is expressly authorized to provide for it.

This is only one of the eighteen enumerated powers which are declared to appertain to Congress. Like the others, it relates to the general welfare ; like them, it is specified because the Constitutional Convention thought it necessary to declare the chief powers which would reside in the new government, in order to calm the excited apprehensions of the people.

Clause 6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

If any individual or government has right to a certain act, it necessarily follows from that right, that he has equal right to protect himself in doing it. It, therefore, follows that if a government can coin money, it can protect itself by punishing those who counterfeit it, or otherwise detract from its value. This is a corollary of Clause 5, and would hardly seem to require separate statement.

In this clause the securities of the United States are referred to. Securities are the pledges of the government. They are similar in nature to bills of credit which, though not specified in the previous clause, are thus indirectly referred to in this one.

Clause 7. To establish post-offices and post-roads.

A general post-office was established as early as 1775. The Articles of Confederation, adopted in 1781, gave Congress the sole right to establish and maintain a general post-office. These acts prove how essential to the general welfare a post-office was considered. The power to establish one is enumerated here because of this fact.

The power to establish post-roads would seem to flow from the power to establish post-offices. It relates, however, to internal improvements.

Works of this character were looked upon in 1787, by many persons, as belonging solely to the individual states. It was feared that the government would acquire too much power, if allowed to undertake them. Assent was given with reluctance, and only because it seemed necessary.

Clause 8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

This clause expresses one of Madison's favorite ideas. He believed that a national university should be established and that every reasonable means should be employed to promote the cause of higher education, and of the progress of science. He could not impress upon his colleagues the importance of a national university ; but he succeeded in making clear that some means should be taken to advance the interests of science and the arts.

The provision here made authorized the issuance of copyrights to authors and of patents to inventors. These terms mean the same thing, but are applied to different classes of objects. The government, by granting a copyright, for a specified time, agrees to protect an author from a theft of his writings, so that he alone may receive any proceeds arising from the sale of his works, by the publisher whom he has chosen. Should another publisher reprint them, he is liable to punishment.

A patent protects an inventor in the same way that a copyright protects an author. No person can imitate and use his invention without his consent.

Both these forms of protection are due to the people. They can be guaranteed only by a national government ; because they are valueless if they do not cover the whole country in which the writings may circulate, or the inventions be used.

Clause 9. To constitute tribunals inferior to the Supreme Court.

The three departments of the government are the legislative, executive, and the judiciary. Article I of the Constitution treats of the legislative department ; Article II of the executive, and Article III of the judicial. This arrangement is the natural one because the legislature first makes the laws ; the executive administers them, and the judiciary, finally, interprets them, in case of doubt.

We are now examining the legislative department. The clause under consideration provides that Congress shall have power "to constitute tribunals inferior to the Supreme Court." We have not yet seen what is the Supreme Court ; we can only suppose that it is the highest judicial tribunal of the nation ; and that the power here given to Congress is to enable it to provide for inferior courts, similar in character to the Supreme Court, but designed to decide on less important interests. We shall learn the character of the Supreme Court in Article III.

Clause 10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

Piracies and felonies are crimes which may be committed against citizens of any nation. They are offenses against the law of nations and may, together with any other such offenses, be suitably punished by Congress.

This power to punish offenders against the law of nations must reside in the national government in order to provide for its self-protection. If piratical or other offensive acts are perpetrated by a citizen, the government must punish him, otherwise the nation to which the injured persons belong will seek redress and retaliation. A government must preserve honorable relations with other governments ; to do so involves the power to punish those whose actions would injure its relations.

Clause 11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

To declare war is one of the highest prerogatives of sovereignty because of the greatness of the interests involved. It was granted to the Confederation, thus recognizing the sovereignty of that government.

In England the Crown can alone declare war. In the Constitutional Convention it was proposed by some to

vest the right in the President, and by others in the Senate ; but it was finally vested in Congress. That body, as a whole, is supposed to be best able to decide a question which involves the lives and property of the people.

A letter of marque is a commission, issued by the government, authorizing an individual to enter another country, and seize persons or property in order to make good an injury. Reprisal, meaning retaking, explains the object for which the letters are issued. A vessel may act under these letters and become a privateer when, without them, she would be a pirate.

If a government can declare war it would seem to follow that it can make rules concerning captures. Express provision is here made to this end, in order that the power may not be called into question.

Clause 11. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

The right to declare war would be of little use if the power to raise and support armies did not accompany it. To raise armies is, in fact, a necessary consequent of the other power. A declaration of war would be worse than useless, if the same power which made it could not enforce it by arms. It, therefore, seems unnecessary to specify that this power should belong to Congress.

The Constitutional Convention inserted this clause because of its contrast to the corresponding one in the Articles of Confederation. That one granted to the Confederation the power to agree on the number of the forces, and to make requisitions on the states for them. The Congress could only decide what it thought was necessary. Its judgment was reported to the states ; they, if they chose, would conform to it. To pay the hardly raised troops was as difficult as to raise them, for the Confederation had no appreciable income. Bills of credit

and promises to pay were worthless when issued by a government which commanded neither respect nor confidence. The common treasury to which the states contributed was always very low, and could not be relied on.

The means which the Confederation lacked were granted to the national government formed under the Constitution. It could raise its own armies, and the House of Representatives could provide for their support. But one limitation was laid upon their power; they could appropriate money for only two years.

This provision is designed to prevent an army from becoming so large and powerful as to grow dangerous to liberty and civil power, as was inevitably the case in ancient republics. As no appropriation of money can be made for more than two years, a new House and one-third of the Senate will be chosen before the appropriation expires. If the feeling of the people has undergone a change, the election will return such men as will limit the next appropriation and reduce the army accordingly. The military forces can thus always be controlled by the people.

Clause 13. To provide and maintain a navy.

It would seem so obvious that a national government possessed the right to provide and maintain a navy that it would not be necessary to enumerate the power.

The Constitutional Convention did not so consider it. Like the power to raise and support armies, it was considered so important that it must be specially conferred. Moreover, the new government was not expected by the people to be really national. It was intended that it should be stronger than the old Confederation; but it was generally thought that it should remain Federal in form.

With such expectations, the Constitution framed by the

Constitutional Convention in its sittings, which had been secret, would prove a general surprise. It was necessary to specify in the instrument all the chief powers it possessed, in order that it might be understood. Had a national constitution been looked for, this would not have been required—it would have been expected. As only a Federal constitution was expected, it was necessary to make the provisions of the Constitution very explicit in order to prove that it was national.

Clause 14. To make rules for the government and regulation of the land and naval forces.

The power conferred in this clause, like the powers of the previous two clauses, flows directly from the power to declare and carry on war.

The separate statement of these three powers, although they would exist in equal force if not specified, serves an important end. It emphasizes a fundamental feature of our government, viz. :—that the people are the source of power : that Congress is their authorized agent, and that the civil body organizes and controls the military body, and is superior to it.

Congress represents the great civil body of the nation ; it calls the military forces into existence ; provides for their support, and makes the rules by which they are controlled.

Clause 15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions.

The national government is made self-supporting by the first clause of this section, which authorizes the collection of taxes, together with this clause, which provides means to execute the laws.

The militia is composed of the citizen soldiers organized in their different states. Under the Confederation they

could be called forth only by the executive of their respective states ; such laws as related to the Union could not be enforced. This was one of the fundamental defects of the Articles of Confederation, and is remedied in the Constitution. Congress now possesses a power above that of the states. It can call out the militia to enforce its laws and to repel invasion.

Shays's rebellion of 1787 was an insurrection which caused general alarm, and showed how weak was the existing government. Though it was soon suppressed, it was feared that other more dangerous ones might break out, and it made it felt how necessary was some suitable means to suppress such outbreaks.

Clause 16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

This provision is practically part of the preceding one ; it is so intimately connected with it that the two are sometimes considered together as one.

When Congress finds it necessary to call out the militia of different states, it is necessary that they should be organized and drilled as one body. Congress is therefore given power to govern them, and to arm them.

It is, however, reserved to the states to appoint officers, and to do the preparatory work of training according to the discipline prescribed by Congress.

This provision was a concession to the states, designed to allay their jealousy of the superior powers granted to Congress. It is not in any way required by adherence to republican ideals. It originated in the conditions obtaining in 1787 ; but, though due to local causes is perhaps beneficial in modifying the power of the general government.

Clause 17. To exercise exclusive Legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

This clause gives the United States government the power to control the limited district in which it is located. It was thought that if the seat of government was within any state, Congress might be subject to undue influence from that state; greater freedom of action would result if the government was free from state influence. The same exclusive control of all United States property, wherever located, was to rest in Congress.

These provisions are simply designed to place the independence and sovereignty of the government beyond dispute. They are made in order to emphasize its character.

Clause 18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

It has been before remarked that if a person or government possesses a right to an object, that there follows from it a right to defend its possession. If a government possesses a right to establish a uniform rule of naturalization, there follows from it power to make the rule and enforce it. The same applies to all other rights vested in a government.

The Constitution vests Congress with certain rights or powers; but none of them could be executed without appropriate legislation. Congress could not put its powers into operation without enacting laws and providing for their enforcement. It, therefore, follows from the grants

of power, that Congress must make suitable legislation to carry them out. Otherwise they would be but a dead letter.

There is then no logical necessity for any separate clause, which shall specifically give the right to put the granted powers into operation. Such a clause, however, exists. It is the last of the eighteen specifications of granted powers, and relates to the seventeen previous ones, instead of containing any new right. It is a summary of the section, and reiterates the right of Congress to make laws to carry out all the powers granted it.

The Articles of Confederation had been a dead letter, because they had not this power. This clause, therefore, served as a declaration that the new government was to be an active force. It was necessary to make this assertion emphatic in 1787—for the states had practically controlled the Confederation.

The clause does not stop with the grant of right to provide for the enforcement of the previous specified powers—it becomes more general and emphatic. It adds the right to make laws to enforce all other powers granted to the government or any department or office thereof.

The word government here means Congress. The powers granted in this section are granted to Congress. "All other powers vested by the Constitution in the government" are, therefore, "all other powers vested by this Constitution in" *Congress*. These enumerated powers are the only ones specified as belonging to Congress. It, therefore, follows that "all other powers vested * * * in" Congress are implied powers; they are such as appertain to sovereignty, and such as are required by the Constitution to secure its effective working.

It becomes clear, through this analysis, that the powers of the Constitution are not confined to those which are mentioned in this section. Those which are given are

the chief ones which appertain to sovereignty. They are enumerated in the instrument because of their importance, and because they were part of a new government which was to be radically different in operation from that which had existed. Their enumeration was necessary in order to impress on the people the nature and character of the new government. The term "sovereign" had been misapplied, and had become uncertain in meaning. It would not do to only explain that the new government was sovereign ; it was necessary to state what were some of its sovereign powers. This is done, and the power is then conferred to make laws to carry these and "all other powers" into execution.

SECTION IX. *Powers denied to the United States.*

Clause 1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight ; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Section IX of Article I of the Constitution is designed to withhold from the government the right to exercise certain powers prejudicial to the welfare of the people. They are specifically denied. Some relate to powers exercised by the states under the Confederation ; others refer to English customs from which our own arose, and others contemplate powers which the new government might claim if not particularly restricted.

The first restriction refers to slavery, though the obnoxious word is carefully excluded. It was believed in 1787 that involuntary servitude would disappear in a few years, owing to the increasing number of free blacks and the existing feeling against it. Southern members of the Constitutional Convention insisted that this would be the case and, at the same time, demanded that the right of the states to import slaves should not be curtailed. The

north did not see what would result. The adoption of a Constitution was deemed imperative and, to secure it, compromises were made on the question of slavery. Concerning representation in Congress, it has been shown, that the south gained, by the provision that two-thirds of the slaves should be counted. On this question the south gained again. In compliance with repeated demands, and claims of justice to slaveholders, it was agreed that Congress should not have power to prohibit the importation of slaves before 1808. In the intervening twenty years the south would rapidly increase its slave population ; it would thereby greatly augment its political power, and it would secure a preponderance of control in national affairs which would seem to ensure its permanent supremacy.

The Constitutional Convention agreed on this clause only after long debate. It was not regarded at the north as a matter of justice due the south ; but as a compromise, which must be accepted if the Constitution was to be framed.

Northern members saw that the inevitable increase of slaves would strengthen the south politically, although southern members were bold enough to assert that slavery was a social—not a political institution ; and this, too, while they were demanding a right to continue it, in order to augment their political strength, as well as to prevent sudden disturbance of existing conditions.

Though agreeing to allow southern states to continue slave importation for twenty years, the northern members of the Constitutional Convention insisted that the government should have the right to tax each slave imported. Some claimed that this would appear like a constitutional license of slavery, when the very word itself had been omitted, in order that a republican Constitution might not be disgraced by it. Others saw in the right only a just source of income to the government. The

south thought it would be an unjust tax ; the north claimed that it would be insignificant in comparison with the great political benefits that were to be gained by the great increase of slaves which would occur. This view finally prevailed and the government was given the right to levy a small tax.

This clause relates to powers which the government might claim, if careful specification of them was not made.

Clause 2. The privilege of the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

The writ of *habeas corpus* is a writing issued by a judge, having competent authority, directing the appropriate officer to produce the imprisoned person, and show cause why he should not be liberated. It takes its name from the two Latin words *habeas corpus*, which mean "You may have the body."

This writ is derived from the English common law, and is thought by some to be specifically based upon a provision of the Magna Charta, forced from King John in 1215. It is based upon the principle, long contended for and early established in England, that no freeman shall be imprisoned except for just and sufficient cause nor be deprived of "life, liberty and property except by the judgment of his peers and the law of the land."

It had early come to be regarded as a provision essential to liberty, and was held in high esteem by the English and their descendants. Explicit regulation concerning it was therefore considered necessary in the fundamental law of the land. This great safeguard against arbitrary imprisonment was to be perpetually in force, and never to be suspended, except in two cases when the safety of the state was at stake.

When rebellion exists, the existence of the state is

threatened ; anarchy and ruin are possible results. In this condition, the importance of maintaining the government, for the good of the whole people, transcends the importance of individual interests. It is often possible that peace can best be restored by vigorous and decisive measures. The Constitution provides that in such cases the writ of *habeas corpus* may be temporarily suspended. Invasion brings nearly the same dangers as rebellion—often greater ones. In both cases the public safety may demand the suspension of the writ.

This clause places in our organic law one of the most valued provisions of the English Constitution.

Clause 3. No bill of attainder, or *ex-post-facto* law, shall be passed.

By this clause two severe and stringent methods of punishment are made impossible. A bill of attainder is an act of legislation which extinguishes the civil rights of the attainted persons. In England, it formerly worked corruption of blood and forfeiture of property. By the former, the person attainted could neither inherit or transmit property ; by the latter, his land was forfeited, back at the time of the commission of the offense, without regard to any intermediate sales. It also carried with it the death sentence.

An *ex-post-facto* law is one which renders a past act punishable, though it was not punishable at the time that it was committed, and refers to criminal and penal statutes only. It is retroactive in nature.

The framers of the Constitution regarded both these measures as arbitrary and oppressive in the highest degree. Bills of attainder had been found in England for political offenses and had carried lasting injury and disgrace to many besides the offender. The penalty there inflicted was necessarily severe in most cases, and savored more of absolute power than of modern civilization.

So, too, with *ex-post-facto* laws which referred back to past deeds. By means of them an objectionable person could be made guilty of a crime, though the act when committed was not punishable by any existing law.

A government which could pass these laws could destroy opponents and perpetuate itself in absolute power. It was therefore necessary to prohibit such action in the organic law of the nation.

The provision resulted from historic teaching of the operation of such powers in England, and showed the necessity of their denial here.

Clause 4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

In Clause 2 of Section 2, Article I, it is provided that representatives and direct taxes shall be apportioned among the states according to their respective numbers, and it directs in what manner the numbers shall be reckoned.

This clause merely reasserts the above provision concerning direct taxes. Its object is to divide equally the burden of taxation, among the whole people.

Clause 5. No tax or duty shall be laid on articles exported from any state.

This clause is designed to give the greatest possible freedom to all local industries. No tax can be levied on articles exported from any state; every manufacturer in the Union is to be free from such tax upon exported products, thus affording opportunity for home growth and for competition in foreign markets with the goods of foreign manufacturers.

Many members of the Constitutional Convention thought that exports should be liable to taxation, but

the majority favored perfect freedom of trade in this respect.

Clause 6. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

By this clause the states are prevented from making exactions on vessels bound to or from other states. Vessels are not required to "enter" in another state, that is, make report and obtain permission to land; nor to "clear," that is, obtain papers allowing them to sail; nor to pay duties.

Under the Confederation the states had taxed one another's vessels contrary to the Articles of Confederation. This was rendered impossible in the future, and equality was provided for.

These provisions seek to remedy evils which existed under the Confederation.

Clause 7. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Provision is here made for the use of government moneys. None can be drawn and used until it has been appropriated by Congress, and no money bill, as we have seen, can originate except in the House of Representatives. The chief responsibility, therefore, for the use of public money, rests on the House. That body, elected every two years, changes with public opinion. By this means, the people disburse, in as direct a manner as possible, the money they have paid.

In order that they may be acquainted with the income and expenses of the government, it is provided that a regular statement of receipts and expenditures shall be published. By this means it is intended to keep the

finances open to examination so that the people may know for what they pay their money and how it is used, and so that they may be able to call to account those legislators who appropriate it rashly.

Nothing similar to this existed under the Confederation, for that government had no means of its own ; the states furnished what little means it received. This clause is provided to meet the wants of a new government under a new constitution.

Clause 8. No title of nobility shall be granted by the United States ; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

The importance of this clause was considered very great at the adoption of the Constitution, and was indeed, one of the most popular ones. In the "Federalist," the prohibition of titles of nobility was called the "corner-stone of republican government."

This idea of their importance arose in the class distinctions so broad and humiliating throughout Europe. It was reasoned that titles would tend to produce an aristocratic class; that wealthy and titled aristocrats would seek to control politics and secure all advantages, and that republican equality and simplicity would be impossible. The government was therefore forbidden to grant any title of nobility.

But the Constitution goes still further. It was not enough to provide that no citizen could obtain a title from the United States government ; no one in the employ of the United States was to be allowed to accept one from any foreign government ; nor could any such employee accept any present, emolument or office of any kind whatever, from any foreign king, prince or state.

This prohibition is not general in nature, but acts only

upon persons holding positions under the government. It would have been arbitrary and unnecessary to attempt to apply it to all citizens, because very few would be in such positions as to have gifts offered them by foreign powers. It was just and wise to apply it to officers of the government as a means of ensuring honesty and faithfulness. It has often happened that one government has had paid emissaries and spies in the service of other governments, and has spent large sums in bribes to secure particular legislation.

To render such courses impossible the clause was made thus explicit.

SECTION X. *Powers denied to the States.*

Clause 1. No state shall enter into any treaty, alliance, or confederation ; grant letters of marque and reprisal ; coin money ; emit bills of credit ; make anything but gold and silver coin a tender in payment of debts ; pass any bill of attainder, *ex-post-facto* law, or law impairing the obligation of contracts ; or grant any title of nobility.

This section contains three clauses denying to the states certain powers or the right to exercise certain powers. The necessity for the section arose from the relation of the states to the general government in 1787. A brief resumé of the relations of the states to the general government will make the reason for this section clear.

Until the revolution, the United States had possessed no general government. The Continental Congress which convened in 1774 and in the subsequent years was a purely revolutionary body, owing its existence to the people, and dependent on them for a ratification of all its acts. When it proposed the Declaration of Independence it also proposed a plan of union ; but the plan was not completed for one year, and did not go into operation till five years later.

From 1774 to 1781 the revolutionary Congress (usually

called "Continental") existed. It was not a general government and was wholly destitute of power. It acted in an advisory capacity, and each state did what it could to carry on the war. The states came to rely upon themselves, and to believe that all power emanated from them. At the same time, the pressure of war compelled them to respect the advice of the Congress and act upon it. They thus retained individuality while united by a common bond of interest.

When, at last, the Articles of Confederation were agreed to in 1781, a general government was formed with sovereign powers. The states had generally respected the advice of Congress, and they felt the need of a general head. They, therefore, agreed upon a Congress to manage their common interests.

But while they made this Congress nominally sovereign, they gave it no means to execute its powers. They practically retained the same relation to it that they had held to the Continental (revolutionary) Congress. They retained their "sovereignty," and all powers not specifically granted to the Confederation. In brief, they established a nominally sovereign government because they saw it was necessary; but they retained to themselves the means by which sovereignty could be made real. The result was that the powers which are really sovereign and belong to a single government, were exercised, partly by the Confederation and partly by the states.

Affairs became more and more confused until it became uncertain what relations states should bear to the general government. Within the states the tendency was to assume increasing importance and to assert individual sovereignty. It was claimed that an American "state" was the same in nature as an European "state;" that is, that it was a sovereign nation. It was not remembered that the term "state," referring to a member of the American Union, had never borne the same sig-

nificance as the same term applied to an European "state." A state proper is sovereign in all its relations, both as to internal control and foreign relations. A state of the American Union has no foreign relations. It is sovereign as to internal control ; but it cannot treat in any way with foreign powers, nor exercise any sovereign powers beyond those which relate to its local affairs. It is an integral part of the *nation*—a modified, not a true state.

These facts were ignored by many ambitious persons who thought they could secure more rapid preferment in a state than in a nation, and by others who did not realize the necessity of a general government.

The Confederation proved a failure and a Constitution was formed. Many of its specifications were made remarkably minute and specific, as has already been shown, in order that the nature of the general government might be past doubt. The chief powers which belonged to the nation were specified, and certain arbitrary powers, which no just government could exercise, were particularly denied.

In this section certain powers which are given the nation as a sovereign government are specifically denied to the states. This is done in order to show plainly the relations of the two ; to prove that the nation is sovereign in its attributes, and the states local in theirs. The Constitution aimed to be so clear as to remove the uncertainty which had existed concerning these relations.

Of the nine provisions of this clause, three are powers already granted to the United States ; viz :—to make treaties ; grant letters of marque and reprisal, and coin money ; three are powers not particularly mentioned in the Constitution, but which appertain in general to sovereignty, viz :—to emit bills of credit ; make something other than coin legal tender, and pass laws impairing the obligations of contracts ; and three are powers denied also to the United States, because two of them are unjust, and the

third prejudicial to republican institutions, viz :—to pass a bill of attainder ; an *ex-post-facto* law, or grant a title of nobility.

They are all denied to the states ; the first six, because they are sovereign powers and belong to the general government ; the last three, because they can not be exercised without resulting injustice and injury.

Clause 2. No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws : and the net produce of all duties and imposts laid by any state on imports or exports shall be for the use of the treasury of the United States ; and all such laws shall be subject to the revision and control of the Congress.

As the right to lay duties and imposts rests with the general government, it is necessary to prevent the states from interfering by any duties they might lay. It is therefore provided that none shall be laid by the states, except to enforce their inspection laws, without the assent of Congress.

Inspection is necessary in order to secure a reasonable standard of excellence in goods offered for sale. The amount of duties which a state can independently collect is limited to what is required to maintain the efficacy of proper inspection. No other duties can be laid without the consent of Congress, which body, therefore, can secure uniform duties.

When duties are laid with the consent of Congress, the net produce—what remains after expenses are paid—must be turned over to the United States treasury ; because duties can be laid only by the sovereign government for its own use.

The clause was worded to give the states permission to lay duties, “ with the consent of Congress,” because they had exercised it under the Confederation, and to remove it wholly would have caused great discontent. The states

are here allowed to retain the shadow of power, but its substance is lodged in Congress.

Clause 3. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delays.

Four restrictions are here specifically laid upon the states. The powers thus denied have already been granted to the nation, being attributes of sovereignty. Congress, under its power to lay taxes, can lay duties on tonnage (Sec. 8, Clause 1) it can raise and support armies (Sec. 8, Clause 12); it can make treaties (Sec. 8, Clause 3) and can declare war (Sec. 8, Clause 11).

The conflicting powers of the old Confederation are to be removed by the Constitution. This clause is one of the many which clearly describes where power is located, and shows the supremacy of the nation.

ARTICLE II. EXECUTIVE DEPARTMENT.

Section I. President and Vice-president.

Clause 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-president, chosen for the same term, be elected as follows :—

The second article of the Constitution treats of the executive department. The first article bore intimate relation to the Articles of Confederation, because some of its provisions were similar, and others were directly contrary ; both having been made what they were chiefly because the corresponding provisions of the Articles had succeeded or failed.

The second article has no prototype in the Articles of Confederation, as that instrument provided for no executive. The omission was not because such an officer was unnecessary ; but rather because the ambitions of the

states made them want no master ; because they feared tyranny from an executive head, and because an executive would have been useless in a government which had no means to enforce its laws, as was the case with the Confederation. The Constitution was fundamentally different from the Confederation in that it possessed the means to enforce its laws ; it required a capable executive head.

The Constitutional Convention debated at length what should be the nature of the executive. Some thought that it should be plural, others that the power should be in the hands of but one. It was feared that a plural head would produce feebleness and indecision ; that a single head might usurp too much power. It was finally decided that the laws would be best executed by a single executive whose powers should be limited and specific.

The term of the executive's office was next considered. Hamilton thought that life tenure, or at least that of good behavior, would secure the greatest stability. This was not a popular suggestion, short periods being generally preferred. Many favored seven years as a suitable time, with a prohibition of reëlection. A majority finally agreed that four years, the length of two houses of representatives, would be long enough, and that the incumbent should be liable to reëlection. This term would show a president's qualities ; if bad, he could be dropped ; if good, he could be again chosen.

At first, no vice-president was provided for, and having none in mind, the Convention made no provision for any duty for such officer to perform, except to preside over the Senate.

A great difference is thus made between the offices of president and vice-president ; the former is of the highest importance and possesses great power ; the latter has but a single duty which is far from being conspicuous, and has little responsibility or honor. There is an abnormal difference between the two. In point of influence,

and ability to accomplish any good, the vice-president falls below a member of the Cabinet or even a member of Congress. He is in no way connected with the president ; his advice is seldom requested ; he leads a lonely and separate political existence, unless he happens to be a warm personal or political friend of the president. Thus, the man who may, at any moment, succeed to the presidency, is shut out from a good knowledge of the president's course and policy. This provision is imperfect because the Constitutional Convention provided somewhat hastily for a vice-president, and did not make his office as important as it should be in order to secure the best men for the position.

Clause 2. Each State shall appoint in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress ; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

This clause, with the following one, determines the method by which the president shall be elected.

After the Constitutional Convention had decided on the nature of the executive, they met another difficulty, almost equally great, in determining the method of election. It was debated at length who would constitute the best judges of the fitness of a candidate for the presidency. The two plans proposed were for election directly by the people, or by a select body chosen by the people ; this body to be either Congress or delegates chosen by the people for the express purpose.

It was generally questioned in the Constitutional Convention whether so large and scattered a body as that which the entire people constituted could be the best judge of a candidate's qualifications ; but it was believed that the people could select men whom they knew, and who could form the best judgments. It was therefore de-

cided to leave the election of a president to a body chosen by the people.

It was then debated whether Congress could advantageously perform the duty, or whether a body should be chosen for the purpose alone. It was urged that a president elected by Congress would be too dependent on it, and would be too liable to seek to please it in order to secure reëlection. The danger of intrigue for election would be greater, also, in a permanent body, like Congress, than in a transient one chosen for a single purpose, and offering fewer opportunities for approach. It was, therefore, decided to have the president chosen by special electors.

The question of the number of the electors next arose. In the Confederation the states had possessed equal voice on all subjects. Under the Constitution one house of Congress was purely republican ; the other was federal in form but republican in methods. This partial combination of two systems was due to a necessary deference to existing state sovereignty ideas. It was found necessary to use again the same combination in forming the electoral body. The republican element was to predominate, each state having as many electors as it had representatives—a number based on its population. But to the number of representatives, *two* were to be added for each state—the same number that each state had senators. The total number of electors from each state was exactly the same as the number of its representatives plus the number of its senators. The number of its representatives and senators had been determined on as has been explained. It seemed perfectly fair to give each state exactly the same influence in choosing the president that it had in legislation. The number was consequently fixed as above given.

No person holding office under the United States could be an elector, because all members of the Electoral College must be free from any connection with the govern-

ment in order to be entirely free from any influence by it. It was intended to secure unprejudiced and competent men, who would select the best man in the country, free from any outside influence or suggestions. No propositions or previous nominations were expected. The electoral college was to act free from all bias, and so accomplish the best results.

The electors are to be appointed in each state as its legislature decides, such minor points being left to the discretion of the state as with other elections.

Clause 3. The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such a majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list, the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

[This clause has been superseded by the 12th amendment to the Constitution, which is given in its proper place. It must not, however, be overlooked because it is no longer in force. It is important historically, both because of the influences which caused its formation, and because of the effect it had in causing certain changes.]

The manner in which the electors choose the president is explained in this clause. The Electoral College is not compelled to meet as a single body ; such a course would be troublesome, useless and expensive. The electors attain the same ends by meeting in the states in which they are chosen and sending a statement of their votes to the officer of the government who counts them.

It is provided that both candidates cannot be from the same state. In 1787 so much state jealousy existed that this was necessary, in order to assure the states that no one of them should acquire particular influence by having both president and vice-president.

The votes of the electors are sent to the president of the Senate as the most suitable person to announce the result. He opens the certificates in the presence of Congress, that all the representatives of the people may witness so important an act. The votes are then counted ; but whether by the president of the Senate, or by Congress is not stated.

In the ballots the two candidates are not specifically designated to be president or vice-president ; two names are simply given. The person who has the largest number of votes, if such number be a majority, and if he is not tied, becomes president. If, however, there is a tie, the tied persons having a majority, the House of Representatives must choose at once between them and, in so doing, must vote by states.

It was supposed that the people, through the Electoral College, have selected two men between whom they have no choice for president or vice-president. It is, therefore, useless to refer the election to the House to vote in its ordinary manner. But if it is referred to the House, and that body votes according to states, the opinion of the states is added to the opinion of the people and a choice is made.

In case no candidate receives a majority, the House

chooses, in the same manner, the president, from the five candidates having the most votes. The people in this case, have named their preferences, but have not chosen ; the states choose from among those the people have indicated.

In every case the person having next to the highest number of votes becomes vice-president ; but if two persons have the same number, and that number is next to the president, then the Senate chooses the vice-president from them.

This choice devolves upon the Senate and not the House, as the officer to be chosen is to preside over the Senate, and it would be an insult to that body to have the lower house of Congress choose its president.

Clause 4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

Congress is here given power to appoint a time when electors shall be chosen throughout the Union, and also the day on which they shall vote for president, and it is provided that the day shall be the same in all states.

It is necessary for Congress to have this power in order that uniform elections may be held, and that the states may be compelled to act in common in a measure which concerns them all. If Congress did not have it, the states could hold the election when they chose ; the electors could meet at their convenience and it would be impossible to say when an election took place.

Clause 5. No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President ; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

Several limitations guard the presidency more than

any other office in the union ; and justly ; because it far exceeds all others in importance and honor.

The chief executive of the United States must be a natural born citizen—with a single exception. This exception applied only to foreigners who lived in the United States when the Constitution was adopted (1789). A foreigner who was a citizen at that time, was, if he had been fourteen years a resident of the United States, eligible to the presidency. After all foreigners who were citizens in 1789 had died, no foreign born person could become president. The exception in their favor was due to the great services which some of them had rendered to the country. The fourteen years' part of this clause refers only to them.

The requirement of a natural born citizen is that he must be 35 years old, five more than are required for a Senator, and ten more than for a Representative. It may often happen that a young man of promise may be elected to a popular body like the House : older and more experienced men are almost always selected for a body like the Senate, and few men under 50 are chosen for such an office as the presidency. The limits of the Constitution are set low, and could have been higher without any injustice.

Clause 6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-president, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-president, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

In England, where succession to the throne is hereditary, the heir acquires power by the death of the King or Queen ; the throne is never vacant ; a chief executive always exists. This condition gives force to the accepted maxim that “ the king never dies.”

The Constitutional Convention recognized the necessity of having an executive always at the head of the government, and provided for a vice-president. His only duty is to preside over the Senate ; but he must be prepared to take the oath of office as president in case of the incapacity of the president from any cause.

The Constitution is not precise in its statement in this clause, and Congress is left to decide what constitutes inability in a president, and to provide for all cases which may arise. A president may, from sickness or injury, be unable to perform his duties for a long period. Public business must go on. It devolves upon Congress to declare how long the president must be incapacitated before the vice-president begins to perform his duties, and what must be the condition of the president in order to have the vice-president relinquish them.

If both president and vice-president be incapacitated, Congress must also declare who shall act as president, until one of them be able to act, or a president is elected.

It was thought better to leave the decision of these points to Congress than to provide for them in the Constitution, as the government was to be organized by Congress, and more suitable persons could be chosen after that was done than before it was known what offices would exist.

Clause 7. The President shall, at stated times, receive for his service a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected ; and he shall not receive within that period any other emolument from the United States, or any of them.

It is here provided that the president shall receive a suitable compensation for his services. The amount is left to be declared by law, since circumstances and traditions vary so much that it would be unjust to fix an arbitrary sum in the Constitution.

The salary fixed upon cannot be altered during the

four years for which the president is chosen. Congress is restrained, by this provision, from threats to reduce a president's income, and so influence his course; and from actually reducing it on personal or political grounds. The Constitution intends to place the president beyond the reach of financial influence and free from congressional interference. To make his freedom from influences complete, he is further prohibited from receiving any emolument from the United States or from any individual state.

Clause 8. Before he enter on the execution of his office, he shall take the following oath or affirmation :

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

The presidency is not surrounded by any harsh limitations or difficult conditions. Any natural born citizen, 35 years of age, is eligible. When elected, he is only obliged to swear, or affirm, that he will perform his duties faithfully, and defend the Constitution to the best of his ability.

SECTION II. *Powers of the President.*

Clause 1. The President shall be commander-in-chief of the army and navy of the United States and of the militia of the several states, when called into the actual service of the United States; he may require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

This clause describes some of the powers vested in the president and contains several unconnected parts.

The first part of the clause gives the president the command of the army and navy, thus making him the military as well as the civil head of the United States. This

measure gives vigor to the government and unity of action to the army. It makes it possible for the president to execute the laws if the courts fail, and makes the government self-sustaining. In case of war a single head directs and controls the operation of all forces.

The second part of the clause refers to "executive departments" which are not established by the Constitution, but by Congress. The heads of these departments are the advisors of the president on subjects of importance, and are obliged to furnish written opinions on subjects relating to their respective offices, if desired by him, in order that he may be able to judge understandingly of any proposed course.

The third part of the clause gives a power which, according to custom, lodges in the chief executive of a state. It covers all offenses except impeachments. They are omitted, because they are ordinarily found only against prominent officers of the government for good cause, and the president must not be allowed to prevent their punishment for offenses, the difficulty of carrying an impeachment being generally so great that there is little danger of convicting an innocent person.

Clause 2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Further powers granted to the president are here described; but those here enumerated can only be exercised in conjunction with the Senate, since they are too important to be vested in a single person.

The treaty making power is best exercised by the president ; because, as the chief executive, he is best fitted to negotiate with other nations. But the treaty must be ratified by the Senate before it becomes valid, that the judgment of the people's most experienced representatives may be given before it becomes law. All foreign officers, and officers of the United States whose appointments are not provided for, are to be appointed in the same manner, unless Congress makes a choice for the appointment of inferior officers, vesting them only with the president, the heads of departments, or courts of law.

Appointments are generally left to the president in order that he may hold directly responsible those whose duties are to assist him in executing the laws. The consent of the Senate is required for the more important appointments, in order to insure suitable selections. Congress is authorized to fix the source of appointment of inferior officers, in order that the president may be relieved of unnecessary duties, or the departments have the choice of their own assistants.

Clause 3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

This provision is made in order that vacancies may not continue, as would be the case if the president could never act alone. If no vacancy could be filled without the Senate's consent, one which occurred when the Senate was not sitting would remain open and might cause great detriment to the public service. In such a case the president makes an appointment to last until the close of the Senate's next session.

A vacancy may continue through the refusal or neglect of the Senate to confirm a nomination of the president. In such a case the president will make an appointment at the close of the session. He can, if he choose, appoint a

person rejected by the Senate ; but this event will only occur when there is strong antagonism between the executive and that body.

SECTION III. *Duties of the President.*

He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient ; he may, on extraordinary occasions, convene both houses, or either of them ; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper ; he shall receive ambassadors and other public ministers ; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

It is here made the duty of the president to convey frequently to Congress information on the state of the Union, together with suggestions and recommendations as to legislation. It may be done in such manner as seems fittest to the president, and will ordinarily be by address or message. Facts and suggestions are to emanate from the president ; the representatives of the people are to act upon them.

If an emergency arises in which congressional action is required, or if the Senate is needed to act upon a treaty or nomination, the president can convene them. This, and the remaining powers specified in this clause, are such as pertain to the chief executive of a nation. They are particularly mentioned because the Confederation had possessed no executive, and it was necessary to make clear the rights and duties of a new office.

SECTION IV. *Impeachment of the President.*

The President, Vice-president, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

Those officers of the government who are liable to im-

peachment are here described, and the causes for which they may be impeached are enumerated.

Impeachment under the Constitution is a trial before the Senate on charges preferred by the House. These charges can be based only on treason, bribery or other high crimes. Judgment can only extend to removal from office and disqualification to hold office under the United States. But if the conviction is for an offense recognizable at law, the offender can afterwards be tried and punished according to law.

The United States thus punishes only for offenses against itself—the offense and punishment are both political. But if the offense be civil as well, the law metes out punishment for that.

ARTICLE III. JUDICIAL DEPARTMENT.

SECTION I. *United States Courts.*

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

No judicial department existed under the Confederation. Prize courts to decide on captures, existed in time of war; but there was no judiciary proper. One was hardly required in a federal union in which the states assumed the right to decide all questions.

The government of the Constitution, being national, required three distinct departments;—the legislature to frame laws; the executive, to execute them; and the judiciary to interpret and apply them in case of doubt.

These departments are independent of one another so long as they are true to their duties. In the cases specified by the Constitution the executive and judges are liable to impeachment by Congress. Every two years

members of Congress are answerable to the people in a new election. The independence of the three departments of each other renders each responsible to the Constitution and to the people.

In the Confederation, each state judged of its relations to the federal union, which was wholly powerless to sustain itself. The Constitution, on the contrary, gives the nation power to enforce its laws and provides for a judiciary to interpret them. The Supreme Court, here established, is the highest tribunal of the land, and from it there is no appeal. To aid it in its duties, Congress is authorized to establish such lesser courts as may be required to transact business.

Judges hold their offices during good behavior, because their duties are removed from political contests, and the experience and knowledge gained by long terms is of the highest value.

Their salaries can not be diminished while in office, in order that they may be free from all influence which might tend to affect their work. Being assured of a respectable competence, they can have no reason for not performing their duties.

SECTION II.

Clause 1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority ; to all cases affecting ambassadors, other public ministers, and consuls ; to all cases of admiralty and maritime jurisdiction ; to controversies to which the United States shall be a party ; to controversies between two or more states ; between a State and citizens of another State ; between citizens of different States ; between citizens of the same State claiming lands under grants of different States ; and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

The cases over which the national judiciary shall have control are here described. They are of two classes.

First ; Cases directly affecting the United States as a

nation. These refer to interpretation of the laws of Congress ; to treaties ; to public offices ; to foreign ministers, and controversies to which the nation is a party.

Second : Cases in which different states or citizens of different states are concerned. This prevents a state court from taking cognizance of cases in which the state, or citizens thereof, are at issue with another state or citizens thereof. It is presumed that state courts would be more or less prejudiced in favor of their own state and its citizens ; and hence such cases are removed to the United States courts which will be free from bias.

Clause 2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The Supreme Court is the only one established directly by the Constitution. Its right to original jurisdiction, that is, to have questions brought before it without having been before any inferior court, extends to but a few specified cases. They are described in the first part of this clause, and are such as directly affect the United States in its relations with other nations, or where the states are concerned. This restriction of the number of cases is designed to bring before the Supreme Court the most important questions only.

There are, however, many other cases in which it has appellate jurisdiction ; that is, when cases are appealed to it after having been decided in an inferior court.

An indefinite number of cases may thus come before the Supreme Court. In order that they may be restricted to the more important ones Congress is to make exceptions, and to prescribe regulations. If this was not done the Supreme Court would soon find far more work on its hands than it could do,

Clause 3. The trial of all crimes, except in cases of impeachment, shall be by jury ; and such trial shall be held in the State where the said crimes shall have been committed ; but, when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

The provisions of this clause are based upon English customs. In England, trial by jury was established at a very early date, and was cherished as a safeguard of freedom, and a principle of the unwritten Constitution. The great principles of English constitutional liberty were firmly implanted in this country. Trial by jury was held as sacred here as in England ; it was therefore established in the organic law of the nation. As the method of impeachment is elsewhere provided for, trial by jury does not extend to it.

It was also a fundamental English principle that trials should take place where the crime was committed in order that the defendant might have any advantage arising from the testimony of those who knew him. This principle is adopted in the provision that trials shall be held in the states in which the crimes are committed.

The exceptional case of a crime committed without a state and yet within the jurisdiction of the United States is provided for by the provision that for such cases Congress may make provision by law.

SECTION III.

Clause 1. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The highest crime against society is the attempt to destroy a well regulated government and this, in general, constitutes treason. In most countries many offenses have been comprehended under the name to serve political ends. The Constitutional Convention determined

that this should be made impossible here and therefore defined treason, limiting it to the three cases described.

Conviction for treason can only take place under the circumstances described.

Clause 2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

The nature of treason is defined in the previous clause, and Congress is here given power with slight modifications to declare its punishment.

In Article I, Section 9, Clause 3, Congress was forbidden to pass a bill of attainder. In English law a bill of attainder destroyed the civil as well as the political rights of the person attainted, and the penalty descended from him. We prohibit the passage of any bill of attainder, or any attainder of treason, except to punish the convicted party. Even then it affects only himself and ceases at his death.

ARTICLE IV.

SECTION I.

Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

This clause compels each state to give the other states that credit which they respectively give to their own acts. Did one state fail to give the other states full credit for its acts and judicial proceedings, justice could not be uniformly administered throughout the United States. To secure a common method of proof Congress has power to legislate on the subject and make a general law.

SECTION II.

Clause 1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

This clause practically asserts the nationality of the Union. Through it the general government protects each citizen, guaranteeing to him full rights in every state.

Under the Confederation the states discriminated in favor of their own citizens. As a republic could not exist without securing equality, this provision found place in the organic law of the land.

Clause 2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

The states are limited in jurisdiction and local in character. If a criminal passes the limits of a state, that state loses all control over him. But the Constitution steps in here, and compels the governor of the state to which he has fled to deliver him up on the requisition of the governor of the state in which the crime was committed. This provision of the Constitution is necessary in order to make easy the capture and punishment of criminals.

Clause 3. No person held to service or labor in one state, under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

The states, under the Confederation, enforced such laws as they pleased to make, because the people had not then established a general constitution as the organic law of the land. Under the Constitution, the country is regarded as one nation, and obligation is laid on each state to treat every other state as an equal part of the same nation. In the previous clause governors are, in accordance with this

idea, compelled to surrender criminals, and by this one, "persons held to service or labor" are to be surrendered.

"Persons held to service or labor" are chiefly slaves. The Constitution's first compromise with slavery gave the south the right to count three-fifths of its slaves in the enumeration made for the apportionment of congressmen. The second compromise provided that the importation of slaves should not be stopped for twenty years. The third, contained in this clause, compels the return of escaped slaves to their owners.

Though the word slavery is not used in any one of these cases, the institution receives apparent constitutional sanction by them. The Constitutional Convention could not avoid this. The south would never have agreed to the Constitution had not these clauses been inserted. It was thought better to insert them and secure a Constitution, than refuse them, and leave the country to the ruin and poverty into which it was drifting.

SECTION III. *New States and Territories.*

Clause 1. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the Legislatures of the states concerned, as well as of the Congress.

The power here given to Congress to admit states is of a general nature and does not specify any source from which the territory of the new state must be formed; nothing is said concerning purchase, annexation or any other mode—there is no restriction and, consequently, no limit to the power.

But though there is no restriction concerning the formation of states from new territory, no new state can be formed from already existing states except in the manner provided in the latter part of the clause. If such could be formed without the consent of the states concerned

Congress could, at will, dismember a state. This arbitrary power is denied.

Clause 2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular state.

Before the adoption of the Constitution, the states had generally ceded to the Union their claims to western territory, and Congress had, in 1787, passed the famous Ordinance for the Government of the Northwest. The passage of the act presumed the right of Congress to legislate for all territory belonging to the Union. This being allowed under the Confederation, it would seem unnecessary to specify the power under the national government of the Constitution, but it was thought best to place it beyond dispute.

As the rights to western territory were not fully settled, the second clause was inserted to prevent any misconception which might arise from the adoption of the Constitution.

SECTION IV. *Guarantee to the States.*

The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the Legislature, or of the executive (when the Legislature cannot be convened), against domestic violence.

The national government possesses ample strength to protect itself. It is here provided that its protection shall extend to the state governments. The Shays Rebellion in Massachusetts in 1787 had shown how little effective power the states had at their command. Under the Constitution, the general government was strong and was to ensure the preservation of the states.

ARTICLE V. POWER OF AMENDMENT.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

A great element of danger is inherent in written constitutions, viz., their arbitrariness. That is, a constitution is formed and adopted intended for the present time. The near future invariably shows that it is incomplete and must be changed. Change is generally so difficult that a constitution is repudiated and a new one formed. Change succeeds change until anarchy and despotism follow.

The Constitutional Convention endeavored to make our Constitution as complete as possible and succeeded in an unparalleled degree; but they knew that something would necessarily be omitted, and so made it elastic by providing for a judicious system of amendment. A constitution which can be too readily changed does not command respect. One which cannot be altered will soon be wholly superseded. The mean between these two extremes is all important, and the Convention sought to secure it. Two methods of amendment are therefore allowed. In both of them reasonable unanimity is required, while unanimous consent is not necessary. True conservatism and liberality are blended. An amendment once ratified is, in effect, part of the Constitution.

There are two exceptions to the power of amendment.

The first relates to slavery. As the Constitution had already provided that the slave trade should not be prohibited before 1808, no amendment could be made to affect it. The force of this clause ceased at 1808.

The second is the only clause of the Constitution which cannot be modified. By providing for the perpetually equal representation of states in the Senate it was sought to establish the equality of the states as local governments and to maintain the peculiar balance of power which exists in our government.

ARTICLE VI. PUBLIC DEBT, SUPREMACY OF THE CONSTITUTION, OATH OF OFFICE, RELIGIOUS TEST.

Clause 1. All debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

The responsibility of the United States for the then existing debts of the country is here declared. New governments often repudiate the debts of their predecessors ; but the moral obligation is here recognized as well as the fact that the Constitution only gave another form to the same government which had existed since 1774.

Clause 2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land ; and the judges in every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding.

The sovereignty of the nation within the limits of the Constitution and all rights following from it, is here declared. Every state is bound by it, irrespective of state statutes. The people formed the nation and made it supreme. They formed the states also, but for local purposes. If through any inadvertence, a provision is made in a state constitution contrary to the laws of

the United States, it is null and void. All must yield to the organic law.

Clause 3. The senators and representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

It is only natural that the officers of a government shall be solemnly pledged to its support; therefore an oath or affirmation is required of all officers of the general government. The Constitution goes still further and demands the same allegiance from officers of the several state governments. It views the states as local divisions of the nation, and their officers as owing direct allegiance to it.

It being intended that perfect freedom of opinion and action should exist in the United States, the organic law forbids any religious test as a qualification for office.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Having completed the Constitution, the Constitutional Convention was obliged to provide for its ratification. The Confederation had only gone into operation after every state had ratified it, and this fact had kept the country for two years without any responsible head. It was thought that the Constitution should go into operation as soon as a reasonable number of states ratified. If it worked well the others would follow. Consequently the provision of this clause was made. Many evils would have followed the adoption by any number of states less than the whole. But it was foreseen that their ties were so

strong that if nine states ratified the others would follow. Hence, the provision was judicious and wise.

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

When the Constitution was acted on by the state conventions, five of them proposed amendments. These amendments did not contemplate a change in the government formed by the Constitution but constituted a bill of rights. The Constitutional Convention had not considered it necessary to include a specific bill of rights in the Constitution because its republican nature essentially covered the ground. But the people at large had great regard for the Magna Charta and bills of rights; hence when amendments were proposed in the first Congress, they were adopted, and became an integral part of the Constitution.

The first amendment declares that the people possess rights which evidently could not be denied them under a free government. By inserting them in the Constitution they are placed beyond cavil and dispute

ARTICLE II.

A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

The exercise of the right to keep and bear arms teaches the people how to protect themselves and makes them independent, and makes possible a serviceable militia. It thus becomes important, and is here established.

ARTICLE III. *Quartering Soldiers on Citizens.*

No soldier shall, in time of peace, be quartered in any house without the consent of the owner ; nor in time of war, but in a manner to be prescribed by law.

This clause prevents despotic exercise of power. A necessity for it was felt, because of England's course in so doing. It was determined to prevent it under our government.

ARTICLE IV. *Search Warrants.*

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated ; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

This clause aims to secure the privacy and protection of all citizens. It prevents arbitrary search and seizure and makes good cause necessary in order to invade any person's private rights.

ARTICLE V. TRIAL FOR CRIME, ETC.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in active service in time of war or public danger ; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb ; nor shall be compelled, in any criminal case, to be a witness against himself ; nor be deprived of life, liberty, or property, without due process of law ; nor shall private property be taken for public use without just compensation.

This amendment and the two following ones are additions to Article III, which treats of the judiciary.

In time of peace, good evidence of a person's guilt must be submitted to a grand jury which must find the evidence true before a trial can take place. In the army, however, and when martial law may exist, jury trial is not

allowed because the existing danger demands more rapid measures.

The ancient custom of compelling persons to criminate themselves is prohibited ; the taking of private property for public use without returning a fair equivalent is forbidden.

ARTICLE VI. RIGHTS OF ACCUSED PERSONS.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have compulsory process for obtaining witnesses in his favor ; and to have the assistance of counsel for his defense.

The law holds a prisoner innocent till proved guilty. He is provided with counsel and witnesses at the expense of the state, if he cannot furnish them, and the burden of proof rests with the government. The trial must be in the state and district in which the crime was committed in order to secure easily plenty of witnesses and a fair trial. These are all modern humane institutions. There was a time when the prisoner had no witness and counsel, and was forced to commit himself.

ARTICLE VII. SUITS AT COMMON LAW.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved ; and no fact tried by a jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

This clause further establishes the rights of the people. The common law had grown slowly with the English people until it had become that body of usages and privileges which guaranteed their rights. Trial by jury was an inseparable part of it, and is here provided for even in trivial cases.

ARTICLE VIII. EXCESSIVE BAIL.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

That freedom might be maintained and liberty secured all punishments of an exceptional character are forbidden. Bail must be reasonable ; because if too great for the person to furnish, it would be equivalent to punishment before trial. When convicted, the punishment must be only such as is usual and just.

ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

This amendment shows how strong was the idea of the efficacy of a bill of rights. Though it was believed that all power emanates from the people and that the government is their servant, the old condition in England in which rights were wrung from kings by slow degrees, had such power over them that they insisted on a bill of rights. This clause was to establish their rights and to restrict the government to its constitutional powers.

ARTICLE X.

The powers not granted to the United States by the Constitution, nor prohibited by it to the States, are reserved to the states respectively or to the people.

This amendment continues the sense of the previous one ; it relates to the powers of the government and the rights of the people.

It provides that powers not included in the Constitution shall belong to the states or the people. Since the people are the source of power, that power which they did not delegate to the national government must belong to themselves, unless they delegate it to the state govern-

ments. It is therefore unnecessary to specify that they retain that which they do not give away. It was done because the people were very anxious to indicate a limit to the powers granted in the Constitution.

The powers "delegated" to the United States include every enumerated and implied power. It was, as Madison said, impossible for a Constitution to enumerate every power. He recognized in 1789 the implied powers which are part of the powers of the Constitution and which are covered by the general term "delegated powers."

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

This amendment was proposed and carried by the advocates of state sovereignty. A suit was brought in a United States court against the state of Georgia. The states were surprised and disgusted when it transpired that an individual could sue them. They had regarded themselves as sovereign and free from all such indignities. When they found that they could be sued they adopted this amendment. Since its adoption (1798) it has been possible for a state to repudiate its just debts, because suit cannot be brought to recover them.

ARTICLE XII.

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—

The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted ;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed ; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote ; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President ; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

This amendment was adopted in 1804. The excitement which had been caused by the long contest in the House at Jefferson's election had made the necessity of a change apparent. It is, therefore, here provided that the president and vice-president shall be designated for their respective offices, that if there be no majority, the House shall choose from the three highest instead of the five highest ; that if the House does not succeed in making a choice by March 4th following, the vice-president shall act as president, and that if no person have a majority for vice-president, the Senate shall choose between the two highest names. These provisions are intended to render certain the election of a president and prevent the recurrence of a disgraceful contest like that of 1801.

ARTICLE XIII.

Clause 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Clause 2. Congress shall have power to enforce this article by appropriate legislation.

This amendment was adopted in 1864. Its object was to enforce the result of war. State sovereignty and nationality had fought in Congress until 1861. In that year the former was defeated in the presidential election. It saw that the north had awakened, and it then determined to maintain slavery by secession. The north would not consent. The appeal to arms was made. The south was defeated, and slavery, which had been the basis of its political supremacy, was abolished by this amendment.

ARTICLE XIV.

Clause 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Clause 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the Legislature thereof, is denied to any of the male members of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Clause 3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold

any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

Clause 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Clause 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

This amendment was adopted in 1868. After the close of the war the south found that the slaves were free, and often arrogant and unbearable. They, therefore, took action in some states to suppress the blacks, deprive them of their rights, and deny them the protection of law. Clause 1 seeks to remedy this.

But southerners went further. They instituted a reign of terror and intimidation in order to maintain control of the negroes. They went so far that clause 2 provided punishment for such a course. In order that persons once engaged in rebellion should not hold office they are here made ineligible, unless Congress remove the disability. This is clause 3. Debts incurred by the states in rebellion are declared void, and the debt of the United States contracted to suppress the rebellion is declared valid in clause 4, in order that the validity and constitutionality of the war may be recognized.

This amendment establishes the result of the war in most emphatic terms. Clauses 1 and 2 were rendered necessary by the course of the south between 1865 and

1868. Clause 3 was necessary in order to restrain participants in rebellion from affecting legislation, and clause 4 was required in order to guarantee the national debt.

ARTICLE XV.

Clause 1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States or any state on account of race, color, or previous condition of servitude.

Clause 2. The Congress shall have power to enforce by appropriate legislation the provisions of this article.

This amendment was adopted in 1870. It was required because the previous amendment had not perfectly protected the blacks. It was thought that the ballot must be specifically conferred on them and it was done in this manner.

III

OPERATION OF THE CONSTITUTION.

OPERATION OF THE CONSTITUTION.

CHAPTER I.

THE NEW GOVERNMENT.

The Constitution, whose origin and nature have been explained in sections I and II, was adopted by the people of the states, and went into operation as the organic law of the land, on March 4, 1789. A new government was organized, and was the successor of the old one, from which it differed in its fundamental features. The Confederation had acted on states only; the Constitution acted directly on the people. A different principle underlay the two forms.

In inaugurating the government under the Constitution a new and complete organization of departments and machinery was essential. The Constitution provided for something far more elaborate than had existed under the Confederation; the executive and judiciary departments were entirely new, and Congress possessed new powers and functions. Delicate and complicated work devolved upon those who were the first officers and legislators of the nation.

Soon after the close of the Revolution there had been discussion on the necessity of strengthening the Confederation. A few leaders expressed themselves strongly in favor of so doing and were denominated Federalists, because they desired a stronger federal union. When the Constitutional Convention met in May, 1787, these men were convinced that something stronger than a federal

union was required, and they presented the Virginia plan, proposing a national government, as the expression of what they then considered necessary. In the Convention, they advocated a republican government, not a federal union. The members of the Convention, who had previously taken no action towards strengthening the Confederation, now contended that a stronger federal union was all that was required, and insisted that a national government was not suited to the states, and would prove dangerous to the liberties of the people.

It was necessary to make the provisions of the Constitution explicit, in order that it might be adopted with a just conception of the difference between the government it formed, and that which it superseded. The Federalists desired to assure to the new government every attribute of sovereignty ; their opponents sought to give it as few powers as possible ; the object of one was to form a national republic ; of the other, a federal union or confederation.

In order to secure a national constitution, the members of the Constitutional Convention who felt most keenly the necessity of a more vigorous government were obliged to yield some points to the state sovereignty prejudices of many members, and make certain compromises. The principal compromises of the Constitution relate to slavery. In securing the right to have three-fifths of the slaves counted in the enumeration made for the apportionment of congressmen, and in retaining the privilege of importing slaves until 1808, the south did not heed that the powers granted to the Constitution were really national ; or, they expected to secure such a preponderance in Congress as to control legislation. In either case, the facts stand the same. The Federalists framed a constitution which was republican and national ; their opponents, in acquiescing in it, secured special concessions for slave-holders. The Constitution was due in

conception and formation to those who were called Federalists.

The Constitutional Convention submitted the Constitution to the people in September, 1787, and to many it was a startling instrument. Only a stronger or modified Confederation had been expected. The government proposed was as objectionable because it was unexpected, as because it contained any defects. The Revolution had been completed successfully under the Confederation ; the people were unacquainted with each other and seemed bound by few ties ; pretensions to state sovereignty augmented local importance. These causes influenced a majority of the people to oppose a national government. But industry had been prostrate since the war ; trade and commerce had almost disappeared ; finances were embarrassed ; the country was poor and disheartened. It was everywhere asked how to secure relief. The best remedy was believed to be a government which would unite and strengthen the country. When the Constitution was framed, it was asked if it would give the required government without becoming arbitrary and despotic.

Probably one-half of the people were opposed to the adoption of the Constitution. It found enemies in some who had been against it in the Constitutional Convention, and the attacks on it grew so vigorous that active measures for its support were required. The Federalists then rallied to its defense ; they used all their influence for it, and published the very able and influential series of letters, afterwards collected under the title of *Federalist*. The Constitution was adopted owing to the efforts of the same men who had suggested the Constitutional Convention, and had proposed in it the Virginia plan.

The Constitution having been adopted, the first election took place under it. It was felt that those who had been instrumental in forming the Constitution should be

intrusted with setting it in motion, and accordingly they were generally elected to the first Congress, and he who had presided over the Convention became the first president. Between the ratification of the Constitution by the ninth state in July, 1788, and the inauguration of the new government, nearly a year later, a period of suspense prevailed. Though perhaps a majority of the people had not favored a national constitution, and had adopted it only because there seemed no alternative, they were ready to accept it in good faith, if it proved beneficial in operation. The initial acts of the first administration would go far to create a public sentiment favorable or unfavorable to the government. Much depended upon Congress, and much upon the president and his advisers. It devolved upon the former to frame laws by which to execute the Constitution ; upon the latter to suggest measures, and to execute the laws ; the work of both was original.

When the Constitution went into operation in March, 1789, it was regarded in three different lights. Some were openly hostile to it, and wished to see it fail ; the body of the people regarded it as an experiment, taken on sufferance and withheld judgment until they saw what manner of government would result, and what benefits would accrue to the country ; a few believed that the best Constitution which the divergent interests of the country allowed, had been formed ; and that it must be made to succeed ;—they thought that its failure meant disunion and anarchy and probable subjection to foreign powers. Only small bodies respectively held antagonistic and friendly views ; the greater part of the people awaited the inauguration of the new government before taking sides. They did not deliberately reason that they would wait and see before they formed opinions ; but they felt that they ought to give the government a chance before deciding against it. The middle position which they occupied was a negative one ; it was not that of judicial judgment, but

of temporary indecision, while awaiting the first act which would indicate the new government's policy. Those who were hostile to the Constitution wished to see the government employ as few powers as possible ; they desired to restrict it to those which are enumerated, and withhold from it all the rights of sovereignty consequent upon them or referred to in various parts of the Constitution. Those who desired its success believed that the country could be invigorated and united only by employing all the powers which the Constitution granted. On one side, they sought to maintain a mere confederation ; on the other to create a national republic.

The character of the new union depended on the way in which the Constitution was viewed. If all the sovereign powers specified and implied in it were used, it would be a national republic. If only a few of the specified powers were employed, it would have no greater vigor than the Confederation.

It has been shown, in the examination of the Constitution, that certain clauses of a general nature do not indicate the measure of power which can be used under them. Since these clauses grant power to legislate for the general welfare ; since all enumerated powers are strictly sovereign, and since it is specifically stated that Congress has power to make laws for the execution of the enumerated powers and for "all other powers" (Art. I, sec. VIII, clause 18), it is clear that the government possesses full sovereign powers on all enumerated subjects and on the implied subjects referred to as "all other powers."

On the other hand, it is *possible* to deny that any other than enumerated powers are granted. But he who takes this course does so in face of the evidence just cited, and ignores the reference to "all other powers." An examination of the Constitution proves the sovereignty of the government which it establishes. When it is admitted that the government is sovereign in character, it may still

be questioned how far it is wise and necessary to employ its powers in order to maintain liberty and justice. Government is good only in so far as it secures these ends. The most perfect civilization exists under a government that is strong and just.

In 1789 the tendency of the Colonies to assert state sovereignty was strong. They had learned to fear and hate a government which existed so far from them as to be controlled by interests different from their own. Certain pernicious influences and maxims of the French Revolution were also spreading. France was reacting from an absolute despotism to complete anarchy. She had never enjoyed constitutional liberty; all her ideas were the extravagant theories of philosophers, based on mental processes and carried so far as to be antagonistic to human nature. A weak monarch made reaction possible. The public reveled in the prospect of liberty; they became intoxicated; they grew delirious. Government was swept away and chaos prevailed until a new despot arose. French delirium spread the maxim that government is good as there is least of it.

The French idea that liberty was absence of restraint had reached the United States and made disciples in the period succeeding the war. Those who believed this, opposed the adoption of the Constitution, and when it was adopted sought to have the government exercise as few powers as possible. They desired a weak central government.

The Constitution had been adopted in order to secure a stronger general government. Its few active friends were the Federalists. It was opposed by those who had favored only a confederation, and by those who had imbibed French ideas. In March, 1789, these two classes were small, and represented opposing principles. The Federalists represented national unity; their opponents, soon denominated Anti-Federalists, represented confed-

eration. The possible development of the ideas of both classes was limited by the Constitution. The Federalists could not carry national sovereignty where the Constitution specifically forbade it; the Anti-Federalists could not remove from the government all nationality. The desire of the Federalists was to employ all the powers granted in the Constitution and to thoroughly establish the sovereignty and nationality of the Union; the desire of the Anti-Federalists was to use as few of these powers as possible and give the states every opportunity to acquire increased power and influence. Between these two small bodies stood the mass of the people awaiting the inauguration of the new government.

CHAPTER II.

FEDERAL SUPREMACY.

In the Revolutionary period few men were thoroughly known and trusted throughout the colonies. Only one man was held in universal esteem ; but he received a measure of trust and confidence, so great, that regard for any other man was dwarfed by comparison. General Washington deserved the reverence which was accorded him. In perfect symmetry of development ; in pure patriotism ; in spotless character ; in military success, and in civil administration, he has no equal. His ambition and character were tried by the severest tests ever offered to a man ; but he never failed in ability, self-sacrifice or purity. His reward was, in his life, such reverence, honor and preferment as no other man has received ; and, since his death, the everlasting homage and gratitude of the people whose freedom he won, and whose government he inaugurated and established.

When the question of the adoption of the Constitution was in debate, it was generally felt that Washington must be the first executive. The thoughts of the people turned everywhere to him, and so great was their confidence in him and their distrust of all others, that they would not have ratified it, had not it been known that he would become president. The first electoral college was chosen with this expectation. In it, Washington received every vote, while there were eleven candidates for vice-president. John Adams received the largest number of votes and was declared vice-president. His choice was due to

his revolutionary services and the fact that he represented Massachusetts, which ranked with Virginia as the leading states. Washington had favored a Constitutional Convention ; he had presided over it ; he had believed in the Constitution and urged its adoption, and Adams represented the New England Federalists.

Washington's clear insight saw that the aims of the Federalists and Anti-Federalists would inevitably produce collisions if they could not, at the out-

The First Cabinet.

set, unite on a middle ground. He knew that he held the confidence of both, and that if union was possible he could secure it. He, therefore, chose for his Cabinet, Hamilton and Knox as representative Federalists, and Jefferson and Randolph as representative Anti-Federalists.

The demoralization of the country was largely due to its poverty and the prostration of all resources. The earliest attention, therefore, of both Congress and the executive turned to the condition of the finances. James Madison, to whom the Constitution is due almost as much as to Washington, was a member of the House. He at once proposed measures for providing a revenue, and a tariff act was passed. It was designed in part to secure protection. Congress did not attempt to legislate concerning the public debt, but requested Hamilton to prepare a plan.

When the state conventions ratified the Constitution, five of them had proposed amendments to it. Many of the opponents of the Constitution had based their objections on the ground that it did not contain a specific "bill of rights," declaring what rights the people possessed. Though the Federalists did not consider this necessary, they saw no objection to amendments which would contain such declarations, especially if their adoption would make friends for the Constitution. They accordingly offered no opposition when

First Acts of Congress.

First Ten Amendments.

twelve amendments were proposed at the first session of Congress. These amendments have been explained in their proper place, and have been shown to be simply declarative, and not affecting the character or working of the Constitution. Ten of them were adopted. The measures passed by Congress at its first session were such as were expected and caused no particular division of opinion.

When Congress assembled in January, 1790, Hamilton submitted his plan for the settlement of the public debt. **Hamilton's Report on Public Debt.** He believed that the Union would be strengthened at home and abroad, if its credit was improved, and he, therefore, proposed that the government should assume the whole of the public debt and provide for its payment. The debt was in three parts:—the foreign debt of the Confederation; the domestic debt of the Confederation; and the revolutionary debt of the states. It was a matter of justice as well as of policy for the United States to pay all these debts. The first two were contracted by the Confederation, and the new government was its legitimate successor, and morally responsible for its affairs. The third debt was contracted by the states respectively, in order to gain independence, and make a nation possible. The whole country reaped the benefit, and, in justice, was required to assume the indebtedness. Hamilton saw also that if the state debts were assumed by the United States, the general government would acquire increased power and influence, while the states correspondingly decreased.

When Congress came to act on Hamilton's report, it was generally agreed that the foreign debt of the Confederation ought to be assumed and paid in full. **Action of Congress on Hamilton's Report.** The first part of the debt was thus easily provided for. But when the domestic debt of the Confederation was reached, Anti-Federal leaders opposed its full payment. They claimed that it would not go into the hands of the origi-

nal holders ; that it could not be equitably settled, and ought to be compromised. Such reasons had no weight with the Federalists, and a majority of Congress voted to pay the domestic debt in full. In this discussion there was apparent a possibility of strong opposition to the government. The Anti-Federalists did not wish to see a strong general government, and would oppose any measure which would add to its power. The revolutionary debts of the states were then considered. The Federalists advocated their assumption as a question of expediency, of justice, and of right. The Anti-Federal leaders opposed it, because it would strengthen the Union and apparently weaken the states. The question of the re-

**First Positive
Division of Con-
gress on Party
Lines.**

lation of the states to the Union and of their relative powers was then opened.

The Federalists sought to strengthen the Union ; the Anti-Federalists to weaken it. The question being squarely raised, many who had voted with the Federalists on the previous propositions, voted against them on this one. The indecision of the masses, in and out of Congress, ended when the cherished "sovereignty" of the states was threatened. After long debate the measure was barely carried ; but a few days later was reconsidered and rejected, by the aid of the newly arrived North Carolina representatives. This defeat seemed to presage a peculiarly hard position for the administration. The difficulties attendant upon putting in operation the machinery of a new government would be much greater if an opposition majority controlled Congress. Hamilton was thus doubly anxious to secure the passage of this measure. He consulted with Jefferson, who was rapidly

**Compromise Be-
tween Hamilton
and Jefferson.**

becoming the leader of the Anti-Federalists, and made an arrangement with him, by which he could succeed. The agreement made between these two leaders related to the location of the national capital. The Anti-Federalists,

and southerners generally, were extremely desirous to secure a southerly position for it. The Federalists wished for a spot as far north as Philadelphia. There had been much warm discussion over it, but no decision had been reached. Hamilton now agreed to persuade the Federalists to consent to a southerly location, if Jefferson would persuade the Anti-Federalists to allow the passage of the third part of the measure for settling the public debt. Jefferson readily agreed. The defeated portion of Hamilton's bill was thus reconsidered, and adopted by the aid of a few of Jefferson's friends. When the question

**Location of
National Capital.**

of the location of the capital was considered, the Potomac was agreed on by the aid of a few of Hamilton's friends. The agreement between Hamilton and Jefferson was known, at the time, to the few parties concerned in the vote only.

This measure enabled Congress and the people to see what would be the nature of the policy of the administration, and removed much of the indecision which had prevailed. In Congress, about one-half of the members acted with the Federal, and one-half with the Anti-Federal leaders. There was nothing as yet to indicate how the people were dividing ; but it is fair to assume that it was in about the same proportion as their representatives.

**Result of Adoption of Hamilton's
Report.**

At the next session of Congress Hamilton proposed a National Bank as an aid to the administration of the finances of the government. This caused fresh discussion of the powers of the Constitution. Its constitutionality was maintained by the Federalists as derived from the control of revenue and taxes ; and was denied by the Anti-Federalists because not specifically given. The measure was passed by a small majority and sent to the president, who was

National Bank.

begged to veto it. Washington took the written opinions of his Cabinet. Hamilton and Knox were for it ; Jefferson and Randolph against it. Washington was convinced by Hamilton's arguments and signed the bill.

The passage of this measure made the division line between the Federalists and Anti-Federalists more distinct. The latter became more decided in their opposition to the administration, and gained in numbers from those who feared that the general government would arrogate to itself too much power. The opposition to the administration was not exactly opposition to the Constitution. Jefferson, Madison, the other Anti-Federal leaders saw that the Constitution would succeed, and were ready to support it when viewed and interpreted according to their own beliefs. They

Party Lines Strengthened. Jefferson's Policy. accordingly insisted on such a construction as would grant the fewest powers to the government, and claimed that such powers as were enumerated were alone constitutional.

The Anti-Federalists then began to claim that their interpretation of the Constitution was alone justified by the text; and since a restriction of the powers of the government coincided with the feelings of the majority of the people, they rapidly grew in numbers throughout the country. Only those who were convinced of the necessity of a far stronger government than the Confederation, and those who believed in national unity rather than confederated weakness continued staunch Federalists. These divisions of the people were taking place but were still (1791) far from complete ; for many had not yet decided that the administration had erred, nor had confidence in Washington been at all diminished. On questions which did not relate to the more important powers of Congress, many of the less ardent Anti-Federalists supported the administration. Distinct party lines appeared as yet on important issues only.

Jefferson did not like the term Anti-Federal, which was applied to his party. He saw that opposition to the Constitution was changing to opposition to the measures of Hamilton and the Federalists, and he proposed a new name. He was an enthusiastic friend of the French Revolution, and copied from France the name Republican, which he sought to have adopted here.

**Attempt to Sub-
stitute Republican
for Anti-Federal.**

Washington's first term drew to a close with party lines plainly indicated, and a tolerably complete division of the people into Federalists and Republicans.

**Political Parties
in 1793.**

It was universally expected that he would be reëlected. He retained the confidence and love of the people, and had shown eminent ability as chief executive. Jefferson, it is true, was acquiring an increasing influence; but no one thought of proposing him to replace Washington. In the election, Washington, as before, received every vote and John Adams was again elected vice-president, this time by a little more than a majority. The result showed Washington's hold upon the people, and indicated that the Federalists possessed a small majority throughout the country.

Washington's second term had hardly begun when the news of the declaration of war by France against England and Holland was received. Public sympathy was with France. Our own struggle was so recent, and had been so severe, that the

**Washington's Sec-
ond Term.**

French Revolution was eagerly watched, while a bitter feeling against England still held sway in many sections.

Jefferson had imbibed French doctrines during his residence in France. The Anti-Federalists or Republicans accepted the French idea of the weakest government the best; all their sympathies were with France. The Federalists, on the other hand, were beginning to recoil at the anarchy and barbarity which succeeded the Revolution. Still, a majority of the people sympathized with

France, as against England, and wished to espouse her cause.

Washington saw the folly of interference in European wars and, with the advice of his cabinet, promulgated a **Proclamation of Neutrality and Result.** The more violent Republicans grew so enraged that assistance was not to be offered to France, that they began attacks upon the official and private character of the president. This villainous course was instigated and carried on chiefly by foreigners, most of whom had become rabid Republicans, because that party most nearly coincided with their communistic ideas.

The French minister, Genet, who shortly arrived, aggravated the discontent and behaved in so arrogant a manner that Washington requested his recall. Under Genet's influence many political clubs were formed by the Republicans in imitation of the French. The Federalists stigmatized them as Democratic, and the Republicans as Democrats. The party soon became known as Democratic-Republican, but the new term did not acquire general use for some time.

Relations with England had been growing unpleasant for sometime, owing to mutual claims that the treaty of 1783 was not enforced. It became necessary to take some step, and Washington sent Chief Justice Jay to England to endeavor to negotiate a new treaty. One was made; it was not wholly satisfactory, but was the best that could be secured. The Senate ratified it and Washington signed it. This act caused new assaults by the Republicans, on the administration, because they held the treaty to be a token of subserviency to England and of hatred to France. The House, at first, refused to provide means to execute the treaty, and arrogantly claimed

Jay's Treaty and Consequence.

a right to nullify it in this way, if they did not approve of it. They finally passed the required laws.

Washington was requested to accept a third election, but refused. His age, his long services, and the abuse

Washington's
Farewell Address. which violent Republicans had lately heaped upon him, decided him to retire to private life. But before so doing,

he determined to express to the country his views on government and politics, and give such wholesome advice as seemed most required. He, accordingly, prepared and issued a long farewell address. He reviewed the history of the Union; showed the existing status; pointed out that political parties were becoming sectional, and begged the people not to allow themselves to divide on geographical lines. The address was issued exactly nine years from the day the Constitution was completed. No like period of time ever witnessed the formation, adoption and successful inauguration of a great republican government. The address presents a clear view of the conditions which obtained in 1796, and shows the remarkable discrimination, foresight and judgment which Washington possessed. It is therefore given here in full.

WASHINGTON'S FAREWELL ADDRESS.

FRIENDS AND FELLOW-CITIZENS:—The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence, in my situation, might imply, I am influenced by no diminution of zeal for your future

interest ; no deficiency of grateful respect for your past kindness ; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference to what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you ; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety ; and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed toward the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself ; and every day the increasing weight of years admonishes me, more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that, if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me ; still more for the steadfast confidence with which it has supported me ; and for the opportunities I have thence enjoyed in manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and

as an instructive example in our annals, that, under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious, vicissitudes of fortune often discouraging; in situations in which, not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guaranty of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows, that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and the adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop; but a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be afforded to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel; nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence,—the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But, as it is easy to foresee, that, from different causes, and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it

is of infinite moment that you should properly estimate the immense value of your National Union to your collective and individual happiness; that you should cherish a cordial, habitual and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of any attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together: the independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds, in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and, while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The *East*, in like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort; and, what is, perhaps, of still greater consequence, it must, of necessity, owe the secure enjoyment of indispensable *outlets* for its own productions to the weight, influence, and the future maritime strength

of the Atlantic side of the Union, directed by an indissoluble community of interest as *one* nation. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find, in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments, which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty; in this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern—Atlantic and Western: whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jeal-

ousies and heart-burnings which spring from these misrepresentations ; they tend to render alien to each other those who ought to be bound together by paternal affection. The inhabitants of our Western country have lately had a useful lesson on this head ; they have seen in the negotiation by the executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, decisive proof how unfounded were the suspicions propagated among them, of a policy in the general government, and in the Atlantic States, unfriendly to their interest in regard to the Mississippi—that with Great Britain, and that with Spain, which secure them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely, for the preservation of these advantages, on the UNION by which they were procured ? Will they not henceforth be deaf to those advisors, if such there are, who would sever them from their brethren, and connect them with aliens ?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts, can be an adequate substitute ; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a Constitution of Government better calculated than your former for an intimate Union, and for the efficacious management of your common concerns. This government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their Constitutions of Government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extra-

ordinary force; to put, in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and usurp for themselves the reins of government; destroying, afterward, the very engines which had lifted them to unjust dominion.

Toward the preservation of your government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you, in the most solemn manner, against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It

exists under different shapes in all governments, more or less stifled, controlled, or repressed ; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which, in different ages and countries, has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual ; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which, nevertheless, ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms ; kindles the animosity of one part against another ; foment, occasionally, riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of Liberty. This, within certain limits, is probably true ; and in governments of a monarchical cast, Patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And, there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution, in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in

one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the Guardian of the Public Weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for, though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, Religion and Morality are indispensable supports. In vain would that man claim the tribute of Patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of Men and Citizens. The mere Politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in Courts of Justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious liberty.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible; avoiding occasions of expense by cultivating

peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it ; avoiding, likewise, the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned ; not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives ; but it is necessary that public opinion should coöperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue ; that to have revenue there must be taxes ; that no taxes can be devised which are not more or less inconvenient and unpleasant ; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations ; cultivate peace and harmony with all. Religion and morality enjoin this conduct ; and can it be that good policy does not equally enjoin it ? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it ? Can it be that Providence has not connected the permanent felicity of a nation with its virtue ? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas ! is it rendered impossible by its vices ?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachment for others, should be excluded : and that in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is, in some degree, a slave. It is a slave to its animosity or to its affection ; either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and untractable, when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests.

The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts, through passion, what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interest of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence, in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils; such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be *constantly* awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation, and excessive dislike of another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable

to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world,—so far, I mean, as we are now at liberty to do it; for let me not be misunderstood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary, and would be unwise, to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying, by

gentle means, the streams of commerce, but forcing nothing; establishing—with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them—conventional rules of intercourse, the best that present circumstances and mutual opinions will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations: but, if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigues, to guard against the impostures of pretended patriotism,—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it, with moderation, perseverance, and firmness,

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far as being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by the fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government, the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GEORGE WASHINGTON.

United States, September 17th, 1796.

The political contests of Washington's second term had been greatly affected by foreign influences. Feeling for France had become a dominating part of the Republican creed, and had been dwelt upon until it became almost a political issue. The Republicans had made gains in some elections and had made vile attacks on

Washington ; still they were not very much stronger than in 1793.

When it was known that Washington would not accept reëlection, the Federalists looked to John Adams as his successor ; and Jefferson was the undisputed choice of the Republicans. Although the Republicans had grown strong, it seemed most natural to choose John Adams president. His ability and integrity were acknowledged, in spite of his defective judgment ; and, as vice-president he seemed the rightful successor. In the ordinary administration of the government the Federalists had done well in the eyes of moderate Republicans. They retained a good degree of confidence of a majority of the people. Still, the Republicans were so strong and Jefferson so popular, that Adams had a majority of but three, and Jefferson became vice-president.

In 1797, political parties were clearly formed and almost evenly balanced. In the first four years of government under the Constitution, the Republicans **Political Parties** had made gains owing to unpopular but **in 1797.** judicious acts of the administration ; in the next four years they had continued to gain, owing chiefly to the course of the government on foreign affairs ; so that in 1797 they were almost as strong as the Federalists. During these eight years the Republicans had suggested no public policy ; they had proposed no legislation, nor advocated any positive step, unless alliance with France could be called one. Their whole course had been simple but persistent opposition to Federal measures ; their only policy had been one of negation.

Adams began his administration with a determination to follow Washington's neutral policy. He was almost immediately (May, 1797), compelled to **Adams's** call an extra session of Congress on **Administration.** account of the insolent action of France in abruptly dis-

missing C. C. Pinckney, the American Minister. Adams informed Congress that he should send **X Y Z Mission.** three envoys to France to endeavor to prevent a rupture. His decision had been reached without consultation with his Cabinet, or any Federal leaders, and was considered by them as arrogant and imprudent. The people, however, generally considered the course judicious.

The French government did not treat directly with the envoys, but sent three agents to them, who made a number of useless and disgraceful propositions, and finally told them that the United States must make the French Directory a large present in money before they would negotiate further. This being refused, two of the envoys, Marshall and Pinckney, were ordered to leave France ; but Gerry, who was a Republican, and known to hold French views, was allowed to remain. When Gerry returned, a little later, his course was severely criticised; for he had accomplished nothing, and had been very injudicious.

The envoys made a report of their mission and designated the three agents of the French government by the **Result of** letters X Y Z, as they had agreed not **X Y Z Mission.** to divulge their names. When it was known that a bribe had been demanded, public indignation was aroused, and Pinckney's exclamation, "millions for defense; not one cent for tribute," was everywhere repeated. The mission was designated as the "X Y Z mission."

The feeling against France, on account of these acts, became so bitter that many who had before sympathized with her, now turned against her. The Republicans still sided with her, as a party, and denounced England ; but lost largely in strength for so doing. The Federalists declared that French designs were really hostile, and cited many **Warlike Preparations.**

recent acts of injustice. So strong was this feeling, that the Federal majority largely increased in Congress. Preparations for war were made, and Washington was appointed commander-in-chief of the army.

The Federal leaders saw that the party had gained greatly, both in Congress and throughout the country,

Belief of the Federal Leaders. owing to the feeling against France. They knew that until this feeling had been aroused, their party had been slowly declining ; because its principles were those of a minority of the people only. They felt that the formation and adoption of the Constitution, with the ensuing benefits of improved credit and resuscitated commerce, were due to them. They honestly believed that continued prosperity depended on their continuance in power ; that the Republicans would prostitute the nation to be the instrument of the states ; and that now an opportunity was offered them to pass such measures as were required to suppress villainous attacks on the president, and promote order generally.

Inspired with these ideas, the Federal leaders proposed and carried three very vigorous measures. The first

Action of the Federal Leaders. was an Alien Law which vested in the president power to order from the country any alien whom he might judge dangerous to public peace, or to cause his imprisonment if he failed to obey. The second was a Sedition Law, which imposed severe punishment on any who should seek to injure the government by false or scandalous reports or should conspire to oppose it. The third was a revision of the Naturalization Laws, making it more difficult for foreigners to become citizens.

The Federalists hoped, by these measures, to secure and promote good order ; to render assaults, like those

Objects of the Federal Leaders. which had been made on Washington, impossible ; to prevent willful and malicious misrepresentations of the government, such as

violent Republicans had made ; and to suppress the influence of foreigners. If these ends could be accomplished, they believed that the Federal party would continue to administer the government, to the great advantage of the people ; while the Republican party, with its state sovereignty theories and communistic leaders, would continually decrease in numbers.

The Alien and Sedition acts were the most arbitrary ones that had ever been passed. The Republicans thought that they were designed to cripple them ; and the people, generally, saw that they came dangerously near transcending constitutional limits. The Federal leaders did not understand the real sentiment of the country. They thought that because they had framed the Constitution, and had been intrusted to put it in motion, they would continue to receive support. They did not see that the hostility which had been shown to the Constitution had become enmity to Hamilton and his Federal friends since its adoption ; because it was believed that the Federalists desired to use greater powers than the Constitution gave. They did not comprehend that when they passed the Alien and Sedition laws, they did so only in a moment of excitement, and they did not perceive that the very measures by which they expected to perpetuate their power would speedily react against them. The course they pursued was due to a strong patriotism, and a total misconception of the feeling of the country. They honestly believed that the Republicans would reduce the nation to be the creature of the states, as the Confederation had been, and that, consequently, the welfare of the country demanded that they remain in power ; they failed to see that the people had placed them in power to inaugurate the government only, and would hardly have trusted them at all, had they not framed the Constitution, and had not Washington been chief executive.

The Federalists were blind to all these facts and proceeded to inflict punishment under the obnoxious laws.

Jefferson's Course. Jefferson feared that the government would become absolutely despotic, and determined to assert the individual sovereignty of the states as an antidote to the centralizing tendency of the Alien and Sedition acts. He, accordingly, prepared a set of resolutions declaring that the Union was a compact between sovereign states; they were slightly modified and offered in the Kentucky legislature by George Nicholas, and a similar set was offered in the Virginia legislature by Madison, at Jefferson's instigation. Both sets of resolutions were adopted; they are known as the Kentucky and Virginia resolutions of 1798.

These resolutions possess deep political significance; they were planned and framed by Jefferson, and formulate Republican doctrine. They are given here entire because they form the basis of the Republican creed, and prove that Jefferson laid the basis for the doctrine of nullification.

KENTUCKY RESOLUTIONS OF 1798.

Drafted by Thomas Jefferson.

The following resolutions passed the House of Representatives of Kentucky, November 10, 1798. On the passage of the first resolution, one dissentient; 2d, 3d, 4th, 5th, 6th, 7th, 8th, two dissentients; 9th, three dissentients.

1. *Resolved*, That the several states composing the United States of America, are not united on the principle of unlimited submission to their general government; but that by compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes, delegated to that government certain definite powers, reserving, each state to itself, the residuary mass of right to their own self-government: and, that whensoever the general government assumes undelegated powers, its acts are unauthorized, void, and of no force; that to this compact each state acceded as a state, and is an integral party; that

this government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

2. *Resolved*, That the Constitution of the United States having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracies and felonies committed on the high seas, and offenses against the laws of nations, and no other crimes whatever; and it being true, as a general principle, and one of the amendments to the Constitution having also declared, "that the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people," therefore also the same act of Congress, passed on the 14th day of July, 1798, and entitled "An act in addition to the act entitled An act for the punishment of certain crimes against the United States;" as also the act passed by them on the 27th day of June, 1798, entitled "An act to punish frauds committed on the Bank of the United States," (and all other their acts which assume to create, define, or punish crimes other than those enumerated in the Constitution), are altogether void and of no force, and that the power to create, define, and punish such other crimes is reserved, and of right appertains solely and exclusively to the respective states, each within its own territory.

3. *Resolved*, That it is true, as a general principle, and is also expressly declared by one of the amendments to the Constitution, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people;" and that no power over the freedom of religion, freedom of speech, or freedom of the press being delegated to the United States by the Constitution, nor prohibited by it to the states, all lawful powers respecting the same did of right remain, and were reserved to the states or to the people; that thus was manifested their determination to retain to themselves the right of judging how far the licentiousness of speech and of the press may be abridged without lessening their useful freedom, and how far those abuses which cannot be separated from their use should be tolerated rather than the use be destroyed; and thus also they guarded against all abridgment by the United States, of the freedom of religious principles and exercises, and retained to themselves the right of protecting the same, as this, stated by a law passed on the general demand of its citizens, had already protected

them from all human restraint or interference : and that, in addition to this general principle and express declaration, another and more special provision has been made by one of the amendments to the Constitution, which expressly declares, that " Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press," thereby guarding in the same sentence, and under the same words, the freedom of religion, of speech, and of the press, insomuch that whatever violates either, throws down the sanctuary which covers the others; and that libels, falsehood, and defamation, equally with heresy and false religion, are withheld from the cognizance of federal tribunals. That therefore the act of the Congress of the United States, passed on the 14th of July, 1798, entitled " An act in addition to the act entitled An act for the punishment of certain crimes against the United States," which does abridge the freedom of the press, is not law, but is altogether void and of no force.

4. *Resolved*, That alien friends are under the jurisdiction and protection of the laws of the state wherein they are : that no power over them has been delegated to the United States, nor prohibited to the individual states distinct from their power over citizens ; and it being true, as a general principle, and one of the amendments to the Constitution having also declared, that " the powers not delegated to the United States by the Constitution, nor prohibited to the states, are reserved to the states respectively, or to the people," the act of the Congress of the United States, passed the 22d day of June, 1798, entitled " An act concerning aliens," which assumes power over alien friends not delegated by the Constitution, is not law, but is altogether void and of no force.

5. *Resolved*, That in addition to the general principle as well as the express declaration, that powers not delegated are reserved, another and more special provision inferred in the Constitution, from abundant caution has declared, " that the migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808." That this commonwealth does admit the migration of alien friends described as the subject of the said act concerning aliens ; that a provision against prohibiting their migration, is a provision against all acts equivalent thereto, or it would be nugatory ; that to remove them when migrated is equivalent to a prohibition of their migration, and is, therefore, contrary to the said provision of the Constitution, and void.

6. *Resolved*, That the imprisonment of a person under the protection of the laws of this commonwealth on his failure to obey the simple order of the President to depart out of the

United States, as is undertaken by the said act, entitled, "An act concerning aliens," is contrary to the Constitution, one amendment in which has provided, that "no person shall be deprived of liberty without due process of law," and, that another having provided, "that in all criminal prosecutions, the accused shall enjoy the right to a public trial by an impartial jury, to be informed as to the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have assistance of counsel for his defense," the same act undertaking to authorize the President to remove a person out of the United States who is under the protection of the law, on his own suspicion, without jury, without public trial, without confrontation of the witnesses against him, without having witnesses in his favor, without defense, without counsel, is contrary to these provisions also of the Constitution, is therefore not law, but utterly void and of no force.

That transferring the power of judging any person who is under the protection of the laws, from the courts to the President of the United States, as is undertaken by the same act concerning aliens, is against the article of the Constitution which provides, that "the judicial power of the United States shall be vested in the courts, the judges of which shall hold their office during good behavior," and that the said act is void for that reason also; and it is further to be noted that this transfer of judiciary power is to that magistrate of the general government who already possesses all the executive, and a qualified negative in all the legislative powers.

7. *Resolved*, That the construction applied by the general government (as is evident by sundry of their proceedings), to those parts of the Constitution of the United States which delegate to Congress power to lay and collect taxes, duties, imposts, excises; to pay the debts, and provide for the common defense and general welfare of the United States, and to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the government of the United States, or any department thereof, goes to the destruction of all the limits prescribed to their power by the Constitution: That words meant by that instrument to be subsidiary only to the execution of the limited powers, ought not to be so construed as themselves to give unlimited powers, nor a part so to be taken as to destroy the whole residue of the instrument: That the proceedings of the general government under color of those articles, will be a fit and necessary subject for revisal and correction at a time of greater tranquillity, while those specified in the preceding resolutions call for immediate redress.

8. *Resolved*, That the preceding resolutions be transmitted

to the Senators and Representatives in Congress from this commonwealth, who are enjoined to present the same to their respective Houses, and to use their best endeavors to procure at the next session of Congress a repeal of the aforesaid unconstitutional and obnoxious acts.

9. *Resolved, lastly*, That the governor of this commonwealth be, and is hereby authorized and requested to communicate the preceding resolutions to the legislatures of the several states, to assure them that this commonwealth considers union for special national purposes, and particularly for those specified in their late federal compact, to be friendly to the peace, happiness and prosperity of all the states that, faithful to that compact, according to the plain intent and meaning in which it was understood and acceded to by the several parties, it is sincerely anxious for its preservation; that it does also believe, that to take from the states all the powers of self-government, and transfer them to a general and consolidated government, without regard to the special delegations and reservations solemnly agreed to in that compact, is not for the peace, happiness, or prosperity of these states; and that, therefore, this commonwealth is determined, as it doubts not its co-states are, to submit to undelimited and consequently unlimited powers in no man or body of men on earth; that if the acts before specified should stand, these conclusions would flow from them; that the general government may place any act they think proper on the list of crimes and punish it themselves, whether enumerated or not enumerated by the Constitution as cognizable by them; that they may transfer its cognizance to the president or any other person, who may himself be the accuser, counsel, judge, and jury, whose suspicions may be the evidence, his order the sentence, his officer the executioner, and his breast the sole record of the transaction; that a very numerous and valuable description of the inhabitants of these states, being by this precedent reduced as outlaws to the absolute dominion of one man and the barriers of the Constitution thus swept from us all, no rampart now remains against the passions and the power of a majority of Congress, to protect from a like exportation or other grievous punishment the minority of the same body, the legislatures, judges, governors, and counsellors of the states, nor their other peaceable inhabitants who may venture to reclaim the constitutional rights and liberties of the states and people, or who, for other causes, good or bad, may be obnoxious to the view or marked by the suspicions of the president, or be thought dangerous to his or their elections or other interests, public or personal; that the friendless alien has been selected as the safest subject of a first experiment; but the citizen will soon follow, or rather has already followed; for already has a sedition act

marked him as a prey: that these and successive acts of the same character, unless arrested on the threshold, may tend to drive these states into revolution and blood, and will furnish new calumnies against republican governments, and new pretexts for those who wish it to be believed, that man cannot be governed but by a rod of iron; that it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights; that confidence is everywhere the parent of despotism; free government is found in jealousy and not in confidence; it is jealousy and not confidence which prescribes limited constitutions to bind down those whom we are obliged to trust with power; that our Constitution has accordingly fixed the limits to which, and no farther, our confidence may go; and let the honest advocate of confidence read the alien and sedition acts, and say if the Constitution has not been wise in fixing limits to the government it created, and whether we should be wise in destroying those limits? Let him say what the government is, if it be not a tyranny, which the men of our choice have conferred on the president, and the president of our choice has assented to and accepted over the friendly strangers, to whom the mild spirit of our country and its laws had pledged hospitality and protection; that the men of our choice have more respected the bare suspicions of the president than the solid rights of innocence, the claims of justification, the sacred force of truth, and the forms and substance of law and justice. In questions of power, then, let no more be said of confidence in man, but bind him down from mischief by the chains of the Constitution. That this commonwealth does therefore call on its co-states for an expression of their sentiments on the acts concerning aliens, and for the punishment of certain crimes hereinbefore specified, plainly declaring whether these acts are or are not authorized by the federal compact. And it doubts not that their sense will be so announced as to prove their attachment to limited government, whether general or particular, and that the rights and liberties of their co-states will be exposed to no dangers by remaining embarked on a common bottom with their own; but they will concur with this commonwealth in considering the said acts as so palpably against the Constitution as to amount to an undisguised declaration, that the compact is not meant to be the measure of the powers of the general government, but that it will proceed in the exercise over these states of all powers whatsoever. That they will view this as seizing the rights of the states and consolidating them in the hands of the general government, with a power assumed to bind the states (not merely in cases made federal) but in all cases whatsoever, by laws made, not with their consent, but by others against their consent; that this would be to surrender

the form of government we have chosen, and live under one deriving its powers from its own will, and not from our authority; and that the co-states recurring to their natural rights in cases not made federal, will concur in declaring these void and of no force, and will each unite with this commonwealth in requesting their repeal at the next session of Congress.

EDMUND BULLOCK, S. H. R.

JOHN CAMPBELL, S. P. T.

Passed the House of Representatives, Nov. 10, 1798.

Attest,

THOS. TODD, C. H. R.

In Senate, Nov. 13, 1798.—Unanimously concurred in.

Attest,

B. THURSTON, C. S.

Approved Nov. 19, 1798.

JAS. GARRARD, Gov. of Ky.

By the Governor,

HARRY TOULMIN, Sec. of State.

House of Representatives, Thursday, Nov. 14, 1799.

VIRGINIA RESOLUTIONS OF 1798.

Drafted by James Madison.

IN THE VIRGINIA HOUSE OF DELEGATES,

Friday, December 21, 1798.

Resolved, That the General Assembly of Virginia doth unequivocally express a firm resolution to maintain and defend the Constitution of the United States, and the constitution of this state, against every aggression either foreign or domestic; and that they will support the government of the United States in all measures warranted by the former.

That this assembly most solemnly declares a warm attachment to the Union of the states, to maintain which it pledges its powers; and, that for this end, it is their duty to watch over and oppose every infraction of those principles which constitute the only basis of that Union, because a faithful observance of them can alone secure its existence and the public happiness.

That this assembly doth explicitly and peremptorily declare, that it views the powers of the federal government, as resulting from the compact to which the states are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no farther valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable and dangerous exercise of other powers, not granted by the said compact, the states, who are parties thereto, have the right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining within their

respective limits the authorities, rights, and liberties appertaining to them.

That the General Assembly doth also express its deep regret, that a spirit has, in sundry instances, been manifested by the federal government, to enlarge its powers by forced constructions of the constitutional charter which defines them; and that indications have appeared of a design to expound certain general phrases (which, having been copied from the very limited grant of powers in the former Articles of Confederation, were the less liable to be misconstrued) so as to destroy the meaning and effect of the particular enumeration which necessarily explains, and limits the general phrases, and so as to consolidate the states by degrees into one sovereignty, the obvious tendency and inevitable result of which would be, to transform the present republican system of the United States into an absolute, or at best, a mixed monarchy.

That the General Assembly doth particularly protest against the palpable and alarming infractions of the Constitution in the two late cases of the "Alien and Sedition Acts," passed at the last session of Congress; the first of which exercises a power nowhere delegated to the federal government, and which, by uniting legislative and judicial powers to those of executive, subverts the general principles of free government, as well as the particular organization and positive provisions of the Federal Constitution; and the other of which acts exercises, in like manner, a power not delegated by the Constitution, but on the contrary, expressly and positively forbidden by one of the amendments thereto; a power which, more than any other, ought to produce universal alarm, because it is levelled against the right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed the only effectual guardian of every other right.

That this state having by its Convention, which ratified the Federal Constitution, expressly declared, that among other essential rights, "the liberty of conscience and the press cannot be cancelled, abridged, restrained, or modified by any authority of the United States," and from its extreme anxiety to guard these rights from every possible attack of sophistry and ambition, having with other states recommended an amendment for that purpose, which amendment was, in due time, annexed to the Constitution, it would mark a reproachful inconsistency, and criminal degeneracy, if an indifference were now shown to the most palpable violation of one of the rights, thus declared and secured; and to the establishment of a precedent which may be fatal to the other.

That the good people of this commonwealth, having ever felt,

and continuing to feel the most sincere affection for their brethren of the other states; the truest anxiety for establishing and perpetuating the Union of all; and the most scrupulous fidelity for that constitution, which is the pledge of mutual friendship, and the instrument of mutual happiness: the General Assembly doth solemnly appeal to the like disposition in the other states, in confidence that they will concur with this commonwealth, in declaring, as it does hereby declare, that the acts aforesaid are unconstitutional; and that the necessary and proper measures will be taken by each for co-operating with this state, in maintaining unimpaired the authorities, rights, and liberties, reserved to the states, respectively, or to the people.

That the governor be desired to transmit a copy of the foregoing resolutions to the executive authority of each of the other states, with a request that the same may be communicated to the legislature thereof; and that a copy be furnished to each of the senators and representatives representing this state in the Congress of the United States.

Attest:

JOHN STEWART.

1798, December 24th. Agreed to by the Senate.

H. BROOKE.

The Kentucky resolutions were originally drafted by Jefferson and are a concise formulation of his own creed and that of the Republican party.

**Summary of
Kentucky and Vir-
ginia Resolutions**

They assert that the Union is a compact between states; that there is no common judge, and that each party—that is each state—must decide for itself of infractions (Res. I). They assert that the government possesses only enumerated powers (Res. II and III); that the Alien and Sedition Acts were unconstitutional (Res. III and IV), and that the construction of the Constitution which the Federalists believed in was dangerous to liberty (Res. VII). The Virginia resolutions are similar in tone. Both sets were sent to the legislatures of the different states. By some they were ignored and by others repudiated, the northern states generally declaring emphatically against them. Both Kentucky and Virginia repeated their resolutions in 1799 in still more explicit form. They were, however, so badly received, that the senators and representatives

of Kentucky and Virginia did not venture to present them in Congress.

The Alien and Sedition acts and the Kentucky and Virginia resolutions were respectively strong manifesta-

**Nature of Alien
and Sedition Acts,
and Kentucky and
Virginia Resolu-
tions.**

tions of the character and principles of the parties which originated them. The acts showed how firmly the Federalists believed in the right to use the enumerated and "all other powers" of the Constitution. The resolutions proved that the Republicans still cherished the groundless theory of state sovereignty; one was the natural antipode of the other.

The people generally considered the Alien and Sedition Acts arbitrary and dangerous; the convictions under

**Result of
Alien and Sedition
Acts.**

them were unpopular; the danger of war with France decreased, and it began to be thought that the Federalists had taken advantage of the excitement to try to perpetuate their power. This feeling grew stronger. The Republicans made gains everywhere.

Early in 1797, Adams appointed three envoys to go to France to try to settle affairs, and again omitted to con-

**Second Mission to
France.**

sult his Cabinet. His neglect greatly increased the feeling which some of the Federal leaders had held towards him, and caused a breach between him and them. Hamilton was the ablest and most influential Federalist. Adams felt that his Cabinet had greater regard for Hamilton than for himself, and his strangely independent course was largely due to a desire to remain free from Hamilton's influence.

As the election approached, Hamilton advocated C. C. Pinckney as more suitable than Adams for the presi-

**Election of
1800.**

dency; but the mass of the Federalists preferred to vote for Adams for president and Pinckney for vice-president. This, however, made little difference, as Federal defeat was assured.

The Republicans voted for Jefferson and Aaron Burr, the latter being a thoroughly unprincipled man, whose only rule of action was the subversion of all means to gratify his ambition. In the electoral college, Jefferson and Burr were tied, both having eight votes more than Adams. The election was consequently thrown into the House, where the vote was by states. Neither party had a majority of the states, as some of them were divided. The Federalists so hated Jefferson that they used their influence in Burr's favor, in spite of the advice of Hamilton, who knew his despicable character. After thirty-six ballots, Jefferson was elected president and Burr became vice-president. With this election Federal supremacy ended.

The period of twelve years, from 1789 to 1801, had been formative in character. The work done was new and, in a large degree, experimental. The Federalists had been elected under a new Constitution to form a government and put it in motion. Their work was all positive and aggressive. The condition of the country demanded radical and energetic measures; the Federalists saw it and met the demand. Federalists had been chosen to Congress and to most offices because they had framed the Constitution, and so had acquired a certain *éclat*. The measures they proposed and carried were more vigorous than the people desired; opposition increased under the old Anti-Federal leaders. As new measures were passed, a well defined opposition became apparent; it became very strong, and was still increasing when foreign insult revived and strengthened the Federalists. In the height of their new power the Federalists passed such arbitrary acts that, when the excitement passed, they lost far more than they had gained, and provoked a feeling of distrust. On the strength of this feeling the Republicans (as the Anti-Federalists were called after

**Review of
Federal Supremacy.**

they became compact and organized under Jefferson) came into power. The feeling of the country was becoming so strong in their favor that Jefferson was accustomed to speak of the election as the "Revolution of 1800."

In these twelve years the Federalists had put in successful operation the Constitution which they had framed and adopted. They had established a new government; made a credit for the country; revived industry and commerce, and brought back prosperity. They had accomplished a gigantic task.

The Republicans had come into existence, under a few Anti-Federal leaders who had opposed the Constitution, as a party of negation. Their first acts had been those of uncertain opposition.

As the Federalists passed new measures, they became more determined in opposition, and pursued a uniform policy of negation, under Jefferson's guidance. Their principles were avowed by Jefferson in 1798, and consisted chiefly in the so-called right of the states to nullify acts of the nation. If this can be called a national policy it was purely a negative one. The Republicans had proposed no national policy and were united merely as an opposition party. Their organization was due to Jefferson's leadership, and it rested with him to frame a policy for them when they came into power.

FEDERAL SUPREMACY. 1789-1801.	{ Inauguration of the Government and Establishment of its Departments, . . . 1789.	
	{	1. Domestic Debt.
		2. Foreign Debt.
		3. State Debts.
	{ National Bank, ... 1790-91.	
	{ Discord under Adams, ... 1797.	
	{ Decrease of Federal Strength, . . . 1797.	
	{ Popular Indignation against France, 1798.	
	{ Increase of Federal Strength, . . . 1798.	
	{ Alien and Sedition Acts, ... 1798.	
	{ Consequent Decay of Federal Party, 1799-1800.	

CHAPTER III.

REPUBLICAN SUPREMACY.

The Republican party came into power in 1801, their presidential candidate having received a small majority ;

**Favorable
Outlook
for Jefferson.**

but with popular feeling turning steadily in their favor. No man could ask for brighter prospects than those which greeted Jefferson at the time of his inauguration. The government was firmly established and loyal feeling toward the Constitution was increasing. The great questions which had fallen to the Federalists in the first eight years of their work had been settled. A definite policy had been framed by the government. Public credit was good ; industry, commerce and agriculture had everywhere revived. Prosperity was reëstablished and confidence had returned. Jefferson came into office at the time that these results of the adoption of the Constitution, and the policy of the Federalists, were beginning to be realized. A judicious course would continue them, and ensure to his administration all the credit for them.

At his inauguration, Jefferson outlined the policy which he should pursue : The government would use only those

**Republican
Policy.**

specified powers which were absolutely necessary ; the states would have opportunity to strengthen themselves ; the public debt would be paid, and all public burdens reduced. He hoped, also, to see party spirit disappear. This programme was attractive and popular. Jefferson designed that it should appeal to the people and gain strength for his party. He formed

his cabinet of leading Republicans, of whom the chief one, Madison, was Secretary of State.

The offices, then existing, had been filled by Washington with persons friendly to the government, as was necessary to secure faithful service, and give the Constitution a fair trial. Most of

Spoils System.

these office-holders became Federalists as parties developed. When Jefferson was elected, there was a demand for offices for good Republicans. There were none vacant. Jefferson, therefore, made removals and appointed his friends, thus inaugurating the spoils system. When assailed by the Federalists for making removals without good cause, he replied that few died ; none resigned ; what was to be done but to make removals ? He inaugurated the spoils system in a modest way, and originated the doctrine of nullification in the Kentucky resolutions ; though the odium of both these pernicious acts has fallen on the men, Jackson and Calhoun, who, respectively, first enlarged the one into great proportions, and developed the other to its logical results.

At the first session of Congress Jefferson sent in a written message instead of delivering an address in person as

Presidential Message.

Washington and Adams had done. He claimed to do it as an act of republican

simplicity ; but the Federalists asserted that it was because he was awkward, and a poor speaker.

In 1802 France acquired from Spain the Louisiana territory, embracing an immense tract of land stretching

Purchase of Louis- iana.

from the Gulf of Mexico almost to the Pacific. Jefferson saw the danger that

would threaten us, if a powerful European power controlled an area almost as large as the United States, and immediately adjoining them. He, accordingly, sent James Monroe to France to assist Livingston, the minister, in negotiation. Napoleon would do but one thing ; he would sell Louisiana, and therefore the commissioners

agreed to purchase it for \$15,000,000. They made the purchase because they believed it to be necessary to the safety of the country.

Jefferson recognized that the Constitution did not enumerate any right to purchase foreign territory, and that, **Republican and Federal Views of it.** consequently, he was arrogating to himself a power which he had proclaimed did not belong to him. He felt his anomalous position, and proposed to remedy it by a constitutional amendment which would confer the power. Republican leaders, however, now that they were in office, did not find it so necessary to limit the powers of the government, and the amendment was never proposed. From a Federal point of view the purchase might be defended, because such an act is a prerogative of sovereignty. But even Federalists hesitated to assert that the sovereignty of the Union would include so decisive an act. Jefferson's only possible defense, from his own standpoint, was a plea for the necessity of immediate action. Enormous interests were involved; the United States could not afford to have France hold the western half of the country, and nothing but purchase seemed possible. These facts seemed to excuse the violation of Republican doctrine, especially as the party proudly declared that the result was due to their peace principles and diplomacy.

The XII Amendment was passed by Congress at the session of 1802-03. The trouble, the excitement and the prospect of danger which had **XII Amendment.** attended Jefferson's election had made it evident that a change of method was desirable. The Federalists said that the Republicans desired the change that Jefferson's reelection might not be hazarded by another tie vote. The amendment was agreed to by the requisite number of states and became part of the Constitution. It has been explained in its proper place.

Nothing occurred during Jefferson's first administra-

tion to retard the growing prosperity of the country.

**Politics in
1804.**

The benefits resulting from the adoption of the Constitution, and the judicious policy inaugurated under Washington had become very marked, and Jefferson received credit for them. The Federalists' expectations of danger from Republican rule had not been fulfilled. All things seemed to conduce to strengthen the Republican party and make Jefferson more popular.

As the election approached, the Federal leaders settled upon Thomas Pinckney and Rufus King as their candi-

**Election of
1804.**

dates. Jefferson was the only choice of the Republicans for president, and George Clinton, one of the ablest and strongest of northern Republicans, was selected for vice-president. In the electoral college the Federalists had but fourteen votes, and the Republicans received one hundred and sixty-two.

This very decisive Republican victory showed what changes had taken place in the surface of politics since the previous election. In 1800,

**Nature of the
Republican Vic-
tory.**

Jefferson's majority was but eight votes; in 1804, it was one hundred and forty-eight votes. This would seem to indicate a complete change of public feeling. The remarkable difference, however, was on the surface only. It has been shown that the mass of the people never thoroughly sympathized with the Federalists and that a majority had supported them simply because they believed it necessary to do so; that, as the country grew stable and prosperous under the Constitution, an opposition party grew strong and, under Jefferson, organized as Republicans; and that in 1797, the Federalists, strengthened by foreign insult, passed extreme measures which reacted against themselves, and provoked a feeling of hate and distrust which reduced them to a minority in 1800. This

defeat was the beginning of the end. The causes above enumerated increased in strength, all uniting in one effect—the ruin of the Federalists as a party. The maximum of Jefferson's good fortune was reached in 1804, when the Republican candidates were brilliantly elected. Jefferson called his great majority a vindication of his character and policy.

The second term of Jefferson's administration opened with foreign relations growing more dubious. The retaliatory measures of England and France threatened our shipping, and made necessary some provision for its protection. Jefferson ardently desired an economical administration and, moreover, was opposed to a navy. He, therefore, proposed that some gun-boats be built. Those acquainted with nautical affairs ridiculed the plan; but a subservient Congress at once provided for its execution.

Relations with England were becoming strained, much as they were in 1794 when Washington sent Jay to negotiate a treaty. Jefferson now sent James Monroe and William Pinkney for the purpose. They completed a treaty, late in 1806, and sent it to Jefferson. He was not satisfied with it, because it was not much more favorable to us than Jay's treaty had been. He did not send it to the Senate (which, with the president, is the treaty-making power); but performed an act superior in assumption and arrogance to the purchase of Louisiana. He quietly laid the treaty away and told the commissioners to recommence negotiations. The purchase of Louisiana could be defended on the ground of necessity; but this act was indefensible. It was important that our relations with England should be pacific, as large and growing commercial and shipping interests were involved. Jefferson was utterly heedless of these interests and arrogantly refused to submit the treaty to his advisers in the treaty-

making power. By so doing he made our relations with England more involved and dangerous.

Up to this time, the two greatest assumptions of power ever arrogated to itself by the government, had been assumed by Jefferson. His Louisiana purchase and his course with the treaty far exceeded anything which the Federalists had done. But both acts were popular with his party. The Republicans censured arrogance and assumption only when they were opposed to their wishes ; when they proved to be advantageous, they applauded, them.

In the summer of 1807 the ill-feeling of the Republicans toward England was increased and the indignation of the country was aroused by the attack of the English frigate *Leopard* on the *Chesapeake* and the imprisonment of four of her seamen. Jefferson ordered English ships of war not to enter our ports and convened Congress for October.

The Orders in Council of England, and the Decrees of France had destroyed all neutral shipping other than American. We had suffered about equally from both countries until England became virtual master of the seas. It was then highly important that our relations with her should be cordial. The treaty of 1806 would have gone far to make them so. Jefferson's high-handed rejection of it did much to embitter them and to precipitate a rupture. His course gave color to the belief of Federalists that he wished to provoke hostilities with England.

When Congress met in October (1807) Jefferson recommended an embargo, as a peaceful method of coercing England. The Republican majority in Congress immediately followed his advice and passed the desired act. It forbade any vessels, owned in the United States, to leave for any foreign port, and compelled vessels engaged in the coasting trade to give

bonds to land their cargoes within the United States. It was literally rushed through Congress, and came upon the people like a thunderbolt. The Federalists resisted it in Congress, as did Randolph and a few other disaffected Republicans ; but in vain. They prophesied the ruin of our shipping ; the destruction of our commerce, and the disasters which would follow in their train. The Republicans would not heed. Jefferson had advised, and they obeyed. In excuse of Jefferson's unwise and harmful course, it may be said that he had received no business training ; that he was not practical, and that he firmly believed that if we refused to trade with England for a time she would come to terms. This feeling had obtained, more or less, ever since the colonies had combined to reject all goods of English manufacture.

The Federalists were bitterly indignant at the passage of the embargo. They knew that England was far too powerful to be coerced by us ; they saw that we alone would suffer, and they believed that the act was aimed especially at New England, which was the home of Federalism. It seemed to the Federalists as inexcusable and evil a measure as the Alien and Sedition Acts had seemed to the Republicans.

By degrees the effect of the embargo became so injurious in New England, and the protests against it so loud and vehement, that the Republicans began to see that they must modify or repeal it. When Congress met, a year after passing it, they agreed to make a change, and substituted for it the Non-Intercourse Act. By this act, the embargo was to exist, in the future, as to England and France only. With other nations commerce was to be free.

For the approaching election C. C. Pinckney and Rufus

King were nominated by the Federalists. Jefferson refused another renomination and allowed it to be known that he preferred Madison for his successor. Madison was accordingly nominated, with George Clinton again for vice-president. Madison received one hundred and twenty-two votes and Pinckney forty-seven. The majority was but seventy-five, while in 1804 it had been one hundred and forty-eight.

Jefferson's second term had not been so smooth and prosperous as his first one. The greater complication of foreign affairs had been more than he could control. He had rejected the treaty, and had adopted measures which injured the country, and produced a hostile feeling towards his party. His administration closed with the modification of the embargo, known as the Non-Inter-course Act, still on the statute books. He left to his successor a difficult and complicated task.

Jefferson's eight years of office saw great changes. In his first term, the prosperity due to the Federal measures of the preceding years bore full fruit, and he reaped the harvest. His great deed was the Louisiana purchase.

In his second term he injudiciously rejected the English treaty, and suggested the Embargo Act, which greatly weakened the country and threatened to divide New England from it. Public feeling had continually strengthened in Jefferson's favor in his first term; in his second term it made no advance, but rather fell back, because his course was so far from wise. Some of those Federalists who had voted with the Republicans left that party, and in 1809 the Federalists had made some gains in New England, but not many elsewhere. The electoral vote indicated this, in a Republican majority which was strong, but less than that of four years before.

James Madison was able, scholarly and moderate. He had proposed the Virginia plan, which became the basis of the Constitution ; he had harmonized the conflicting elements in the Constitutional Convention, and he had secured the vote of the Virginia convention for the Constitution. In Congress he had been considered a Federal leader at first ; because his judgment made him act on moderate Federal principles. But when he found that Virginia was thoroughly Republican, and that all hope of advancement depended upon sympathy with his state, he began to defer to the predominant feeling. By degrees, he ranged himself with the Republicans, refusing office under Washington, and became Jefferson's secretary of state. In taking this course, he did not deliberately sacrifice principle. His reason would have made him a Federalist, but a very moderate one ;—his interests, associations and ambitions made him a Republican. The complications in which the country was involved in 1809 made it a difficult time for any man to assume the executive office. For Madison it was peculiarly hard ; because he did not possess the aggressive spirit of leadership, and the power of quick decision which enable men to cut their way through difficulties.

At the beginning of Madison's term, the English minister exceeded his instructions, in the negotiations which were being carried on, and promised a very satisfactory course on the part of England. Madison, therefore, revoked the Non-Intercourse Act, as applied to England. But the English minister had gone too far to suit his government ; he was recalled, and the Non-Intercourse Act was restored.

Although France pretended to have withdrawn her decrees, there was so little evidence of it that England would not revoke her orders. The Republicans, however, had faith in France, and suspended the Non-Intercourse Act as applied

to her. At the beginning of 1811 it was in force against England only, and she was the very country to whom we were most closely linked by shipping and commercial interests, and with whom our relations might have been reasonably cordial had not Jefferson rejected Monroe's and Pinkney's treaty.

The charter of the National Bank, established in 1791 at Hamilton's suggestion, opposed then by the Anti-National Bank. Federal leaders, and the second subject which went far to develop party lines, was about to expire. The Bank had proved so useful that it had made many friends among the Republicans, and its recharter was only defeated by a very scant majority. Republicans in power had been a different party from Republicans out of power. Since 1801 they had bought Louisiana and performed other acts more arbitrary than anything which the Federalists had done. They were now (1811) almost ready to charter a national bank. Though thus changing their opinions when confronted with the administration of the government, they adhered to many original principles, especially in the southern states.

In the twelfth Congress (Nov., 1811), the older men who had been through the Revolution and all its after struggles, New Republican Leaders. were fewer in number ; and a younger generation, led by Clay, Calhoun and Crawford, was numerically stronger. The revolutionary statesmen of the south had generally been educated in England. The new generation had possessed no such advantage ; but had been reared in the rough times of the Revolution. The Republican party had its chief strength in the south. The younger men who were beginning to control it, were strong in ambition and patriotism, but deficient in education and breadth of culture. They had grown up with a feeling of hostility towards England and now that they were coming into power were determined on revenge.

Madison was too experienced and too judicious not to know that war with England would cripple us. He could not encourage it. The new leaders saw this and determined on a war candidate for 1813 if Madison would not consent to war. Clay and a committee waited upon him and brazenly told him that his renomination depended on his proposing a declaration of war. It was very hard for Madison, after all his long and faithful work, to be thus insulted. He could not bear to feel that he should receive less than Jefferson, whose work for the country had been so inferior to his own ; nor could he conquer his ambition to secure a reëlection. He consequently gave the required assurance.

There had been rumors afloat for some time, to the effect that the New England states would leave the Union, and that England would sustain them. A person named Henry claimed to have authentic information concerning the alleged plan. He tried to sell his information to the English Government, but, being repulsed, he turned to Madison. Such proof as was promised would be valuable to the Republicans and would destroy the Federalists as a party. Madison paid Henry \$50,000 for it. On examination, it proved to consist of rumor and hearsay stories only. It had no weight, and little effect. The administration was made ludicrous by its childish course.

In the spring of 1812 another embargo was laid. Soon after, it was found that nothing could be hoped for from England, and war was resolved on. The new Republican leaders were determined that the proposition should emanate from Madison. He, therefore, sent to Congress a message reviewing the troubles with England and suggesting war as the remedy. Congress immediately declared war and Madison signed the bill on June 18th. A considerable mi-

nority in Congress and throughout the country opposed the measure, but the war wing of the Republicans was strong enough to carry it.

During Jefferson's administration the term Democrat had come into more common use. In Madison's first
The Name Demo- four years it had gained a strong foot-
crat. hold, and now (1812) was so generally
 used as to supersede Republican. Henceforth we shall style the party Democratic.

Madison received the Democratic nomination, in consequence of his message favoring war, and Elbridge
Election of Gerry was nominated for vice-presi-
1813. dent. Democrats who were dissatisfied with the war, nominated George Clinton. The Federalists decided to support Clinton, as it was useless for them to nominate a candidate, but they voted for Jared Ingersoll for vice-president. Madison received 128 votes and Clinton 89; the majority was 39 votes. In 1809 it had been 75 votes.

Madison's first term began amid complications and ended in a declaration of war. The president gladly
Madison's First would have found a way out of the
Term. tangle; but the war Democrats were gaining the ascendancy; they were securing the control of their party and of national legislation. Madison could not stem the current. He drifted with it to secure renomination and reelection, and gained the odium of being the tool of younger and less experienced men, and of plunging the nation into an almost useless war.

New England was wholly opposed to the war and believed that the Republicans had brought it on in order to
Feeling in ruin the northeastern states. Some of
New England. the New England states retaliated by refusing to furnish troops. The war was miserably managed and the British were almost universally successful on the land. On the water, our vessels won a number of victories, which inspired the administration.

New England felt the war so severely, that she determined to present an emphatic protest against it. A convention was held at Hartford, December, 1814, in which the New England states were represented. The delegates deliberated with closed doors. They considered the origin and effects of the war, the injury it inflicted on New England, and drew up a protest against it. The administration, frightened at the existence of a convention, sent an officer to Hartford to learn what he could about it; but he found no trace of any thing dangerous. The delegate sent to Washington by the convention, reached there just as the news of peace arrived (Feb., 1815) and so did not present his protest. The resolutions of the Convention are given herewith.

RESOLUTIONS PASSED BY THE HARTFORD CONVENTION,
JANUARY 4, 1815.

Resolved, That it be and is hereby recommended to the Legislatures of the several States represented in this Convention, to adopt all such measures as may be necessary effectually to protect the citizens of said States from the operation and effects of all acts which have been or may be passed by the Congress of the United States, which shall contain provisions subjecting the militia or other citizens to forcible drafts, conscriptions, or impressments not authorized by the Constitution of the United States.

Resolved, That it be and is hereby recommended to the said Legislatures, to authorize an immediate and an earnest application to be made to the Government of the United States, requesting their consent to some arrangement whereby the said States may, separately or in concert, be empowered to assume upon themselves the defense of their territory against the enemy, and a reasonable portion of the taxes collected within said states may be paid into the respective treasuries thereof, and appropriated to the balance due said states and to the future defense of the same. The amount so paid into said treasuries to be credited, and the disbursements made as aforesaid to be charged to the United States.

Resolved, That it be and hereby is recommended to the Legislatures of the aforesaid states, to pass laws where it has not already been done, authorizing the Governors or Commans-

ders-in-Chief of their Militia to make detachments from the same, or to form volunteer corps, as shall be most convenient and conformable to their Constitutions, and to cause the same to be well armed, equipped, and held in readiness for service, and upon request of the Governor of either of the other states, to employ the whole of such detachment or corps, as well as the regular forces of the state, or such part thereof as may be required, and can be spared consistently with the safety of the state, in assisting the state making such request to repel any invasion thereof which shall be made or attempted by the public enemy.

Resolved, That the following amendments of the Constitution of the United States be recommended to the states represented as aforesaid, to be proposed by them for adoption by the State Legislatures, and in such cases as may be deemed expedient by a convention chosen by the people of each state. And it is further recommended that the said states shall persevere in their efforts to obtain such amendments, until the same shall be effected.

*First. Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers of free persons, including those bound to serve for a term of years, and excluding Indians not taxed, and all other persons ;

Second. No new state shall be admitted into the Union by Congress, in virtue of the power granted in the Constitution, without the concurrence of two-thirds of both houses ;

Third. Congress shall not have power to lay an embargo on the ships or vessels of the citizens of the United States, in the ports or harbors thereof, for more than sixty days ;

Fourth. Congress shall not have power, without the concurrence of two-thirds of both houses, to interdict the commercial intercourse between the United States and any foreign nation or the dependencies thereof ;

Fifth. Congress shall not make nor declare war, nor authorize acts of hostility against any foreign nation, without the concurrence of two-thirds of both houses, except such acts of hostility be in defense of the territories of the United States when actually invaded ;

Sixth. No person who shall hereafter be naturalized shall be eligible as a member of the Senate or House of Representatives of the United States, or capable of holding any civil office under the authority of the United States ;

Seventh. The same person shall not be elected President of the United States a second time, nor shall the President be elected from the same state two terms in succession.

Resolved, That if the application of these states to the govern-

ment of the United States, recommended in a foregoing resolution, should be unsuccessful, and peace should not be concluded, and the defense of these states should be neglected, as it has been since the commencement of the war, it will, in the opinion of this convention, be expedient for the legislatures of the several states to appoint delegates to another convention, to meet at Boston, in the State of Massachusetts, on the third Monday of June next, with such powers and instructions as the exigency of a crisis so momentous may require.

Resolved, That the Honorable George Cabot, the Honorable Chauncey Goodrich, the Honorable Daniel Lyman, or any two of them, be authorized to call another meeting of this convention, to be holden in Boston at any time before new delegates shall be chosen as recommended in the above resolution, if in their judgment the situation of the country shall urgently require it.

Commissioners had been sent abroad in 1814 to meet English commissioners to negotiate for peace. After
Treaty of many protracted conferences peace had
Peace. been made ; but the Democrats lost the very object for which they had plunged the nation into war. According to them, England was to be compelled to stop impressments, and to leave alone our vessels. In the treaty, nothing was said of impressments ; the war failed of its nominal object.

The people were so rejoiced at the close of the war that moderate Federalists forgot their distrust of Democratic
Result of the principles. Jackson's victory at New
War. Orleans was so brilliant that it dazzled the country. Our many disasters were forgotten, and all who had inveighed against the war were looked upon as traitors. The Democrats showed themselves willing to forget their strict construction doctrines and to sometimes act vigorously. In the spring of 1816 they chartered a National Bank for twenty years, modeled after Hamilton's bank of 1791. The Federalists found no platform on which to stand, and rapidly disappeared.

For president and vice-president the Democrats nom-

inated James Monroe and D. D. Tompkins. The Federalists went once more through the form of making a nomination, and chose Rufus King ; but could agree on no candidate for vice-president. Monroe received 183 votes and King 34 votes ; the majority was 149. Though the four years had been stormy, their happy close gave the Democrats their large majority.

Madison's administration was in a very troubled period. Jefferson had reaped the benefits of Washington's judicious course ; but Madison had felt the misfortunes resulting from Jefferson's unwise policy. In 1809, the logic of events was pointing to a rupture in foreign relations which only a very vigorous hand could stay. Madison did not have that hand. He was old and worn in the service, and before becoming president had accomplished more for his country than did Adams or Jefferson. He longed for the honor of a second term. To secure it, he consented to a war which he knew would prove useless and injurious. His presidential career does him no honor, while his career up to 1809 is second to but one other in its effective work.

In 1809 political parties had been clearly divided, though the Democrats had had a powerful majority.

During the war, the Federalists felt so aggrieved and injured that they sometimes said it would be better to break off from the Union. But when Jackson's victory and the treaty of peace came, the good news caused reaction. The Democrats grew stronger and the Federalists so completely disappeared that they can hardly be named thereafter as an organization. Their disappearance was aided by the increasing confidence felt in the Democrats owing to the establishment of a National Bank and other old time Federal measures.

James Monroe became president on March 4, 1817. A better feeling then existed than had been known since 1805. The war was over and the people were so rejoiced at its close that comparative harmony prevailed. The new president had been an ardent Republican and was now a strong Democrat ; but his views were broader than those of most of his party. He had enjoyed long experience in public affairs ; he had been minister to Paris and to London, and had been secretary of state under Madison. These various influences had largely emancipated him from the narrowness of the Democratic creed. Still, he formed his cabinet of Democrats only.

The changing tendencies of the Democratic party had been seen in the formation of a protective tariff in 1816. Henry Clay was the leader in all projects of this nature. He advocated schemes which good Jeffersonian Republicans would have disowned ten years before. He who suggested them then would have been denounced as a monarchical Federalist. But the longer the Democrats administered the government, the more essential did they find it to exercise the implied powers of the Constitution, and, consequently, to become more akin to the Federalists in their practice. This fact had done much to extinguish the Federal party. Had the Democrats clung to their narrow doctrines when in power, the Federalists would have continued to be a powerful minority. Clay led the younger Democrats and was the exponent of the broader principles of the new wing of the party.

In 1819, Monroe followed Jefferson's course and purchased foreign territory, buying Florida for \$5,000,000 from Spain ; but yielding to her the territory which afterward constituted Texas. Early in this year the territory of Missouri asked leave to form a state government. It was agreed

Monroe's Character.
Modification of Democratic Principles.
Missouri and Slavery.

to give her permission and the bill was amended to forbid slavery. In this form, it became a purely sectional question, and was barely carried in the House ; but was rejected by the Senate. For the first time the question of slavery came before Congress in a manner which could not be avoided. Societies for the abolition of slavery had presented memorials very frequently for twenty years. The petitions had been ignored when possible, and when considered had been met with violent attacks by the slave-holders as incendiary and revolutionary documents. Threats of secession had been made in case the memorials were respected, and slaveholders had always exhibited a most domineering and insolent spirit. The question of the extension of slavery was now before Congress. The south well knew that their supremacy in national affairs depended upon the increase of slave states, as the north was gaining much the more rapidly of the two. It was necessary to nip in the bud this proposition to prevent increase.

At the next session of Congress (1819-20), Missouri again applied to be admitted as a state, as also did Maine.

Missouri Com- The House agreed, by a sectional vote,
promise. to admit both ; the Senate, by a sectional vote, cut out the prohibition of slavery, united the two bills in one, and then passed them. The House refused to ratify the changes of the Senate, and the Senate would not recede from its position. Neither state could be admitted if the two houses would not agree. To secure the admission of both states, Clay urged a compromise between the houses of Congress. While an active Democratic leader, and the speaker of the House, Clay possessed influence with many northern men, owing to his liberal views, his ability, and his personal attractions. Through his efforts the House was induced to agree to allow slavery to exist in Missouri but it was to be prohibited in all the country north of its northern border ; viz :

the line of $36^{\circ} 30'$. In return for this concession, the Senate passed the two bills separately in their amended form. Missouri and Maine were consequently admitted, the one supposed to offset the other.

Though the compromise placed a line beyond which slavery could not pass, the Democratic slave-holders gained the real advantage in this contest. The question in dispute was, whether Missouri should be admitted with slavery or without it. It was admitted with slavery. For the sake of this admission an agreement was made that slavery should not extend north of $36^{\circ} 30'$. But this was of little moment. A majority in Congress could revoke it at any time. Its only real effect was to postpone the question of the introduction of slavery, north of that line, to a time when a new state north of it sought admittance and desired to maintain slavery. The north and south were determined and would not agree. In the compromise, the north thought they had settled the question of slavery concerning all territory north of $36^{\circ} 30'$, for all time; the south knew that they had gained their point, and they were content to leave to the future the discussions of new encroachments—they had strengthened themselves for the next contest.

In this appearance of slavery as the all-absorbing question, whatever remained of old party lines was extinguished; and when the exciting word **Effects of the Com-** promise on Par- ties. was mentioned, Congress promptly divided into north and south. On other subjects there was greater harmony than there had been for years, owing to causes which have been already explained. Monroe and Tompkins were renominated for 1821 and no opposition was made to them. The former received 228 votes and the latter 215; there was one vote for John Quincy Adams for president and fourteen scattering votes for vice-president.

Monroe's first term witnessed three great events; first,

the establishment in power of a liberal wing of the Democracy holding principles very similar to those of the Federalists. Second, the complete disappearance of the Federalists, as a party organization, owing to causes beginning with the Alien and Sedition Acts; continuing through opposition to the war, and closing with the rise to power of a new school of Democrats who held vigorous doctrines, almost like their own. Third, the appearance of the slavery question in a form which compelled attention, and forced division on strictly geographical lines. The effects of these three events were hardly felt as yet. The people were harmonious, and it was only among the leaders and in Congress that the changes could be perceived clearly.

In Monroe's second term, the questions which divided Congress related to the implied powers of the Constitution. At first, those who did not believe in implied powers were stronger; but later, the more liberal wing, led by Clay, had a majority. In December, 1823, the president used language in his message which has since borne the name of the "Monroe Doctrine." The "Holy Alliance" was then considering its course towards Spain's American provinces. The president said that the United States would regard an attempt by European powers to plant their system upon American soil as hostile to themselves. It was a popular declaration but of no particular local political significance.

The political harmony which had lately existed has been described as the "era of good-feeling." In it, all great leaders had been regarded as Democrats, and five men especially aspired to succeed Monroe. They were John Quincy Adams, Henry Clay, John C. Calhoun, William H. Crawford and Andrew Jackson. The caucus was poorly attended but proceeded to nominate Crawford. The friends of the other candidates repudiated its action and made it under-

stood that they were candidates, except in the case of Calhoun who was generally selected for vice-president. The electoral college gave Jackson 99 votes, Adams 84, Crawford 41, Clay 37; and Calhoun 182 for vice-president. Calhoun was elected vice-president but there was no choice for president.

The election was thrown into the House, as Jefferson's had been in 1801; but this time there were three candidates among whom to choose. Jackson and Crawford had never risen to the liberal doctrines of the Clay wing of the party; they were of a more Jeffersonian class. Adams had been originally a Federalist, but had acted for years, more or less closely, with the Democrats. If a Democrat at all, he was a liberal one. Clay was out of the race, but had considerable influence which he could turn to the advantage of some candidate. His liberal principles allied him far more closely to Adams than to either of his competitors. It was natural that his friends should take Adams as their second choice. In the election they did vote for him, and he became president.

The period extending from 1801 to 1825 has been designated as that of Republican Supremacy; because

Resumé of Republican Supremacy.	the party which came into power in 1801 was known as the Republican party. The term democratic was repudiated when first applied. By degrees it came into use; it was soon linked with republican in the official name of Democratic-Republican Party; about 1808 it came to be used indiscriminately with republican; after that, it began to displace republican and, during Monroe's administration, entirely superseded it.
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Republican Supremacy covered a period of twenty-four years and embraced three administrations. During it, the party greatly modified its original doctrines, owing chiefly to the character of the men who were its leaders. At first, it held the narrowest theory of the powers of the

Constitution ; it broadened slowly until, at last, part of its leaders were almost as liberal as the Federalists. When the Republicans were so narrow there was strong Federal opposition, when they became more liberal the Federalists disappeared.

There are four great characteristics of the era of Republican Supremacy. First, prosperity resulting from the Federal measures of the twelve preceding years ; second, foreign complications resulting from injudicious administration of the government, ending in war ; third, return of prosperity and prevalence of good-feeling after the close of the war ; fourth, the appearance of the slavery question in a form which compelled attention.

The Federal party was an energetic and defiant minority during the first two periods. In the last two it disappeared as an organization. The harmonious feeling which prevailed after the extinction of the Federal organization was not due wholly to unity of political sentiment. The course of the Federalists during the war, and the brilliant success at its close, had combined to disgrace and discredit them. The fact that the controlling wing of the Democrats held liberal views made it easier for the Federalists to act with them. The "era of good-feeling" consequently obtained. But in 1820 a new force reached the surface of politics. It was the slavery question. For over thirty years the number of slaves had been increasing, and the southern Democrats, always the major and controlling section of the party, growing stronger. Every year they had become more wedded to the institution on which their political supremacy was based. Every year the north had learned to abhor slavery for its immorality, and to dread it for its political power. In 1820 the south proposed to extend slavery into a portion of the northwest ; the north objected. There was a bitter sectional fight, a long struggle and a compromise. The south gained its point, with the understanding that it should go no

further. The question was only relegated to the future, when greater love of slavery on one hand, and more intense abhorrence of it on the other, would make the contest more prolonged and fatal. The compromise of 1820 gave a fictitious settlement to the question. The harmony which had been hailed under Monroe as the extinction of political antagonisms had hidden forces which could not but produce conflict when once brought to the surface of events.

REPUBLICAN SUPREMACY. 1801-1825.	{	Prosperity resulting from Federal Measures,	1801-05
		Purchase of Louisiana, ...	1802
		Increasing Popularity of Republican Party,	1802-06
		Bad Foreign Policy, ...	1806
		War with England, ...	1812
		Return of Prosperity, ...	1815-20
		Increase of Harmony, ...	1815-20
		"Era of Good Feeling,"	1821-25

CHAPTER IV.

FEDERAL-REPUBLICANISM.

John Quincy Adams became president in 1825. He was of Puritan descent, and inherited from his ancestors the uncompromising virtues and severe manner which characterized them. He had been in public life for forty years, having been in the foreign and home service, a commissioner to negotiate the treaty of 1815, and secretary of state under Monroe. He inherited some of his father's peculiarities; he was cold and reserved, and sometimes haughty and repellent. His temper was strong and easily moved, and his judgment liable to err from his great earnestness. His ability was great; his convictions deep; his honesty of purpose indisputable. He was perfectly sincere and upright and abhorred all trickery and chicanery. When he came into competition with other leaders, none of whom compared with himself in scrupulous honesty, he was at a great disadvantage. His only weapons were his able and honest work; theirs were all the arts of the politician and demagogue.

Henry Clay was made secretary of state, he being the only great leader holding views akin to the president.

There was, in Congress, a strong minority opposed to Adams. His election had been due wholly to the northern states, and southerners looked upon him as a representative of the Puritan and old-time Federal sentiment of the north, and cordially disliked him, though he had been more or less

identified with their party for twenty-five years. A conflict began at once between the president and Congress. Soon, the House had a majority opposed to him, and it disapproved of all his measures. The division line between his supporters and enemies grew more distinct; the former took the name of National-Republicans; the latter continued to constitute the Democrats.

Under Monroe, the Federal party having disappeared, there was no cause for Democratic organization. There were few issues directly at stake, and no party lines for a few years. But in this time of quiet a momentous question was arising. It appeared in 1820 but was smoothed over and forgotten. In Adams the south recognized a man who would not compromise or yield. He represented the spirit of undying hostility to their great institution. This recognition of Adams's character was not formulated, nor did it even reach a clear conception in the southern mind. It was only a blind feeling that Adams was their enemy. Tennessee represented this when, a few months after Adams's inauguration, it nominated Andrew Jackson for president in 1829.

While Clay, Calhoun, Crawford and Monroe led the controlling wing of the Democratic party during the war of 1812 and the following years, the increasing influence of broader principles was not felt; but when these broader principles caused the election of a northern man like Adams who had never surrendered his liberal Federal views, the reaction came. The south had lost the presidency, and one who was linked by every tie to all which it hated was in power. Organization for the contest of 1829 began. So it happened that the south immediately declared for Jackson as the next president, and he entered into the contest.

The Democrats, as now again clearly outlined, repre-

sented the old narrow theory of Jefferson. The National-
Democrats and Republicans were an outgrowth of the
National Republi- liberal wing of the Democrats. They
cans. held doctrines which were similar to
 the old ones of the Federalists and which were really a
 modification of them. Under an old Federalist, like
 Adams, the term Federal-Republicans best describes their
 characteristics ; though they themselves adopted the name
 National-Republicans as being more popular.

In 1828 the National Republicans were strong enough
 to pass a tariff act which was satisfactory to the north and
Tariff of distasteful to the south. It made clear
1828. how sectional were pending issues and
 welded the south more closely in its opposition.

Adams would take no steps to ensure his réélection.
 He would not use his influence in any way, either by con-
Independence of ciliatory actions or politic appoint-
Adams. ments. His stern integrity revolted at
 the proposition made to him to prostitute the power of
 the government for political ends. Many who could have
 been won by a different course were lost, and many friends
 were estranged. Such a man could not compete with the
 warm, impetuous and popular Jackson.

The National-Republicans nominated Adams and Rich-
 ard Rush. The Democrats nominated Andrew Jackson
Election of and John C. Calhoun. Adams received
1829. 83 votes and Jackson 178 ; the ma-
 jority was 95. The line of southern presidents was thus
 restored.

The period of Adams's administration was marked by
 political transition. The good feeling of the previous
Review of years closed when a man distrusted by
Adams's Adminis- the south was elected. Adams's elec-
tration. tion had showed the strength of the
 north. The south saw it, and at once concentrated itself
 to win the next battle. For four years the contest lasted ;

then, the concentrated and aggressive south won. Two political organizations again existed. The Democrats descended in natural and unbroken line from the Anti-Federalists and Jeffersonian Republicans. The National-Republicans had not so perfect a genealogy. First, Federalists, then merged in the Republicans ; then, liberal Democrats, they at last appeared as a northern party with the Federal principles of Hamilton somewhat modified by the Republican principles of Jefferson, and called National-Republicans. Such is the outline of political parties down to Jackson's inauguration in 1829.

FEDERAL- REPUBLICANISM. 1825-1829.	{ Federal President and Republican Congress. Uncertainty of a Transition Period. Reappearance of Party Lines. Scheming for the Presidential Nomination.
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CHAPTER V.

MODERN DEMOCRACY.

Andrew Jackson was the exponent of a class of men differing in all characteristics from the six preceding presidents. Though Washington's fame before 1789 had been chiefly military, his high character as a civilian had been proved ; so that he cannot be designated as a military president—that is, one whose election is due solely to his war record. The first six presidents were civilians and statesmen. They had enjoyed long familiarity with the affairs of government. They were educated and experienced. Madison's administration, which brought into prominence the young and liberal wing of the Democracy, produced a new generation of military heroes. Among them Jackson was the greatest. His brilliant success at the close of the war of 1812 and his very effective course in the Seminole war had made him a popular hero. His education was defective and his civil experience small, though he had served in the House and Senate. He possessed a very violent temper, and was headstrong and vindictive. If once impressed with the idea that any one desired to thwart him, he used every means to succeed. His enmities and friendships were exaggerated by his feeling that opposition to his measures was personal antagonism. Consequently, every contest in which he engaged became personal rather than political.

Cries for the reform of the extravagance of Adams's administration had prevailed. Jackson declared that reform was his mission, and inaugurated it by a complete development of the spoils system, which had been modestly conceived by Jefferson.

Jackson's Character.

His Principles.

He asserted that government should be brought back to the simplicity and frugality of Jefferson's time, and declared that his principles should be once more practiced. This course won support throughout the country, though Congress had not a very large majority in his favor.

Jackson, in his first message, referred to the National Bank as unconstitutional, and indicated hostility towards it. The National-Republicans generally believed in it, and were ready to support it. The Bank endeavored to prove its value and desired to obtain a new charter, when the existing one expired in 1836. At the session of 1832, it applied for recharter. Congress granted it and Jackson vetoed the bill. The majority for the Bank was not large enough to pass the bill over the veto ; but it was believed that the people would so favor it as to defeat Jackson's reelection.

While the question of the Bank was in controversy, another subject was growing in importance. Great opposition existed in the south, especially in South Carolina, to the tariff of 1828. Calhoun, now vice-president for the second time, exerted a powerful influence in South Carolina. He had slowly developed the claims of the Kentucky and Virginia resolutions, until he had reached their true inwardness, and he now asserted the doctrine of nullification in all its baldness. South Carolina followed him. The tariff of 1832 continued protection. South Carolina then declared void the tariffs of 1828 and 1832 ; forbade obedience to them, and declared that if an attempt was made to enforce them she would secede from the Union. She then prepared for war.

Jackson was not a man to be dismayed. When opposed, his first impulse was to use vigorous measures. He issued

Jackson's a proclamation, showing nullification
Vigorous Course. to be treason and declaring that he
would enforce the laws. Though a disciple of Jef-

feron, he had said "Our Federal Union; it must be Preserved." He occupied Charleston with troops and prepared to keep his word. Congress soon met and passed a bill to enforce the tariff. Calhoun resigned from the vice-presidency and was elected Senator from South Carolina to lead the nullifiers in Congress. There was a bad feeling prevalent. Clay then came forward to propose a compromise, as he had in the case of Missouri in 1820. The result was the Compromise Tariff of 1833. It provided for a sliding reduction, so that in ten years the tariff would be reduced to twenty per cent. The north yielded again to the demands and clamor of the south. What was called a compromise was, practically, a southern victory. Though the north possessed the power, as proved by the passage of the Enforcement Act, it hesitated to hold its own before the aggressiveness of the south, and feared to bear the responsibility of rupture.

The Democrats nominated Jackson and Martin Van Buren, and the National-Republicans nominated Clay and John Sergeant. There was also a ticket nominated

Nominations. by the Anti-Masonic party and composed of William Wirt and Amos Ellmaker. The Anti-Masons arose in western New York between 1826 and 1830, owing to the disappearance of William Morgan, who had exposed the secrets of his organization. Morgan was abducted and suffered a mysterious fate. The excitement was intense, and bred great hostility to the Masons. A party was organized with the object of opposing the election of any Mason to office. Based on a single idea, it could not be permanent and would disappear with the excitement which originated it. In 1833 it had some strength. The election gave Jackson 219 votes, Clay 49 votes, and Wirt 7 votes. Jackson's majority over both was 163 votes.

In 1829 party lines were becoming distinct. The Demo-

crats were declaring allegiance to old Jeffersonian principles, and the National-Republicans were very like the old Federalists. Jackson began an aggressive course at once. He developed the spoils system to make place for his supporters, and he attacked the National Bank. The National Republicans allied themselves to the Bank and endeavored to recharter it, but failed. The south had grown tired of protection and repudiated the tariffs of 1828 and 1832. Calhoun had developed the doctrine of nullification and was the leader of the extreme party. South Carolina declared the tariff void. Jackson said it should be collected. Clay then proposed a compromise, which was accepted, and the south gained a victory by an arrangement to reduce the tariff until it reached twenty per cent.

In these contests party lines were nearly geographical—north and south. The Democrats were united to oppose the tariff, and the more extreme Democrats, following Calhoun, were ready for nullification. The majority of the party had not yet reached that point. The north favored the tariff, and was able to enforce it; but feared to use its strength. It yielded, as it had in every contest, to the threats of the south, which was now fully assured of its superiority to the north, and of its power to control legislation, by menace, if not by votes.

Though the National-Republicans retained considerable strength in Congress, the election of 1833 showed how greatly the sentiment of the country had turned in Jackson's favor. The claims of reform which had been made; the assertion that the economical principles of Jefferson would be restored; the bold warfare on the Bank and the proclamation against nullification, had gained great favor with the people. The president's course had been as bold in the presidency as in the field. The south was won by his Jeffersonian declarations; the north by his course against nullification. It was owing to these

double causes that he received such a majority in 1832. Jackson was now the people's president and was as popular as Jefferson had been. The National-Republican party, attacking him continually in Congress, and befriending the unpopular and distrusted Bank, was destroying itself. Its popular following was decreasing daily, though in Congress it possessed such leaders as Webster and Clay. Such was the division of Congress and people when Jackson entered his second term.

Jackson interpreted his large majority as a vindication, just as Jefferson had done. He felt sustained by the people and accordingly determined to renew his warfare on the Bank in a more vigorous way. The Secretary of the Treasury was authorized to deposit United States money in other depositories than the Bank, for good reason. Jackson determined that the Secretary should do this, and so cripple the Bank's resources. Louis McLane, the Secretary, demurred. He was made Secretary of State and William J. Duane was appointed to succeed him. But Duane absolutely refused, and pronounced it to be unnecessary and unjust. He was removed, and Roger B. Taney was appointed. Taney obeyed the president and forbade future deposits in the Bank, which, thus crippled, curtailed its loans and caused derangement of the finances. Though no money was removed from the Bank, the order forbidding future deposits of government money in it, is always spoken of as the "removal." The Senate passed a resolution of censure on the president for his arbitrary course, but the people were pleased by it.

The Bank continued to show opposition to the president; but soon became helpless. After its fall, state banks were chartered by the several states but without adequate provisions to insure stability. The paper which they issued was received awhile by the United States, but, being of uncertain value, was soon refused.

A great demand for gold arose ; finances became involved and the Panic of 1837 followed.

A National Anti-Slavery Society, formed in 1833, had renewed the work of the Quaker societies which had

**Anti-Slavery
Party.**

arisen in the era of Federal supremacy. The north was beginning to awaken to the moral evil and the political power of the great southern "institution," and a sufficient number of persons were found to organize a society to suppress it.

The south was always quick to feel changes in northern sentiment and now saw that it must strengthen itself for the prospective contest. Texas was a part of Mexico but had declared its independence. The south wished to annex it and form from it several new slave states. By this means it hoped to more than offset the growing power of the north.

The Anti-Slavery men were designated Abolitionists by the slave-holders, and were often ill-treated by the partisans of the south. Though few in numbers they were regarded by the slaveocracy as very dangerous, as their existence seemed to presage a more universal feeling. The body of the northern people were not aroused. They did not see the danger, and they deprecated excitement.

Jackson was strong enough to name his successor and selected Van Buren, who was nominated, with Richard M.

**Election of
1837.**

Johnson for vice-president. The National-Republican organization had rapidly disintegrated after its defeat in 1833. The name Whigs had been applied to those who rallied around old Federal principles ; and what was left of the National-Republicans organized as Whigs and nominated William H. Harrison and Francis Granger. The few remaining Anti-Masons supported them also.

In the election there was a considerable scattering vote. Van Buren received 170 ; Harrison 73 ; White 26 ; Webster 14, and Mangum 11. Van Buren's major-

ity over all was 47 votes. Johnson did not receive a majority for vice-president but was elected by the Senate.

Jackson's election had established a new period. He was a man of uncommon vigor and at once took decisive

**Review of
Jackson's Admin-
istration.** steps. He professed Jeffersonian principles. He declared for reform, and instituted war against the Bank. By these measures he gained the support of the south and part of the north. By his denunciation of nullification he strengthened his support in the north, so that he was reëlected by a very large majority. His second term continued the measures begun in his first. His administration firmly established the Democratic party in power, very much as Jefferson's had established the Republicans. History repeated itself. The first Adams was followed by the complete success of the Republicans; the second, by an equally complete success of the Democrats. John Adams represented Federalism and was overthrown in 1801; John Quincy Adams also represented Federalism and was overthrown in 1829 by the same power, only slightly changed by time, and under a different name. The people, generally, still thought that a weak government was all that was required. In one respect Jackson was not a true index of his party. He repudiated nullification, which was a fundamental doctrine of democracy, and was set forth by Jefferson in the Kentucky resolutions. This act of Jackson secured him large northern support, and blinded the north to the increasing arrogance of the south. The head of the Democracy having repudiated nullification, it was tacitly assumed that the party had done the same. Under this delusion, the north largely supported the Democrats when, had the truth been realized, they would have vigorously opposed them.

Martin Van Buren became president March 4, 1837.

He was an able, cultivated and experienced man. He **Van Buren's Character.** had enjoyed a long political career and had been governor of New York, secretary of state and vice-president. As a political manager he had few equals. His judgment was good, but he was very cautious. He was Jackson's firm and trusted friend.

Jackson's financial measures had produced great disturbance throughout the country. The banks generally **Panic of 1837.** were in a bad condition and in 1837 the crash came. Banks suspended; business houses failed; values fell, and great financial distress prevailed. It is known as the Panic of 1837.

The president called an extra session of Congress to consider the condition of the country. He proposed that **Action of Congress.** the government should establish a treasury and sub-treasuries in which its money should be deposited, instead of in different banks as had been customary. He deprecated any direct action on the Panic. A bill to carry out these views passed the Senate but failed in the House. The Democrats had a majority in both houses of Congress. They failed to carry this measure because some conservative Democrats in the House opposed it, and voted with the Whigs against it. Its object was asserted, by the Whigs, to be the destruction of all the banks. A large majority was necessary to carry a measure opposed on such a ground.

In the following session of Congress the bill to establish an independent treasury was again defeated. Neither session of this Congress took any measures to abate the Panic or relieve the country. Van Buren's administration was becoming unpopular. In the next Congress (1839-40), the Independent Treasury Bill was barely passed. It was commonly felt that the government should take measures to relieve the country of its financial distress. The president was blamed for the Panic and then for not attempt-

ing to relieve it. The administration became more unpopular; the Whigs made many gains and continually became more formidable.

The Democrats renominated Van Buren, but left the vice-presidency open to suggestions by the states. The Whigs nominated General Harrison for president and John Tyler for vice-president. Harrison was a Whig, but Tyler was a conservative Democrat, and was put on the ticket in order to catch Democratic votes and thus increase the chance of success. The Anti-Slavery Society had aroused such a feeling, and the Abolitionists had so increased in numbers, that they held a convention; designated themselves as the Liberty Party, and made nominations—J. G. Birney for president and Francis Lemoyne for vice-president. In the election, Harrison received 234 votes and Van Buren only 60. Birney had no vote in the electoral college but received a popular vote of nearly 8,000. Harrison's majority was 174. It was mainly due to the revulsion of feeling caused by the protracted panic, and partly by Van Buren's medium course, which was not satisfactory to friend or foe.

Van Buren's administration inherited the evil results of Jackson's financial policy. The panic caused great disaster and brought about a great feeling against him. As a northern man he was not satisfactory to the south, and these causes ensured his defeat in 1841.

**Review of
Van Buren's Ad-
ministration.**

William H. Harrison became president on March 4, 1841. He possessed fair ability, though he was not an experienced statesman. His intentions were good and his will was strong. He at once declared against the methods Jackson had employed, condemning experiments with the finances, the spoils system, and a too free use of the veto power. Before,

**Harrison's
Administration.**

however, he was able to inaugurate any distinct policy he died. He was president but thirty days.

With Harrison's death, the possibility of a Whig administration disappeared. The vice-president was a Democrat, who had been put on the ticket to secure Democratic votes. He sympathized little with the party which elected him, and could not be expected to coöperate heartily with its leaders. Unless the Whigs had the coöperation of the president, they could do little or nothing. A successful party administration depends largely on the president. At Harrison's death the question was whether Tyler could become the real leader of the Whigs, or whether, repudiated by them, he would be received by the Democrats as their leader.

On Harrison's death John Tyler became president. He possessed ordinary ability and had been long in public life. He had served in the Virginia assembly ; been governor of the state and been a member of both the House and Senate.

The new president promised to carry out Harrison's policy. What that policy would have been no man knew ; but what the Whigs had expected it to be was generally understood to be meant by this promise. A bill was soon passed to incorporate the Fiscal Bank of the United States. Tyler vetoed it. The Whig leaders asked him to outline such a bill as he would sign. He did so ; but when it was passed and presented to him, he vetoed it. The Whigs were enraged, and issued an address in which they declared that all their political connection with him was at an end. Thus, though the Whigs had carried the election, they had no executive after Congress met.

Tyler, though a Democrat, had been elected on a Whig

ticket. He was now repudiated by the Whigs ; but could not be trusted fully by the Democrats. Nevertheless, he naturally gravitated toward them and came to receive their support. The Whig victory resulted in a Democratic administration.

The first Congress was controlled by the Whigs, who passed measures which the president vetoed. In the **Weakening of the Whigs.** next Congress the Democrats controlled the House. The Whigs had failed to keep their promises of reform which had figured in the election and were losing what they had gained. The Democrats gained in strength and showed more plainly their desire to secure Texas in order to increase slave territory. Soon, annexation of Texas became the chief question, and came to divide the sentiment of the country.

The Whigs nominated Clay and Theodore Frelinghuysen. The Democrats nominated James K. Polk and **Presidential Nominations.** George M. Dallas, and the Liberty party nominated James G. Birney and Thomas Morris. No party had perfectly controlled the legislation of the last administration, though it had been Democratic rather than Whig. The chief question in dispute was the extension of slavery. Clay was nominally opposed to it ; but, to gain votes, he favored future annexation. This weak course could only injure himself and his party. Its object was too apparent. Polk warmly favored annexation, and would certainly secure the votes of all Democrats. Birney could poll only a small vote and would injure Clay's chances because the Liberty party was distinctively a northern party. The majority which the Whigs had had in 1841 had disappeared owing to the loss of their president, and the evils arising from their unfortunate relations to his successor. Parties were about evenly balanced.

The election gave Polk 170 votes and Clay 105 votes;

the majority was 65. If the vote which was given to
Election of Birney in New York alone, had been
1845. given to Clay, he would have carried
 the state and been elected. But the south won again
 and the annexation of Texas was assured. It was ac-
 complished at the next session of Congress.

The Whig success in 1841 gave promise of a change of
 policy in the government with the inauguration of the
Review of new president. But Harrison's death
1841-1845. prevented it. A Democratic vice-pres-
 ident came into power, and the Democrats, after all,
 lost but little by their defeat in the election. The southern
 part of the party, always the controlling wing, continued
 its demand for the increase of slave territory, till it became
 the deciding question in the election, and resulted in
 Democratic success. The slaveocracy had again strength-
 ened itself. But the very large vote of the Whigs, and
 the considerable vote cast for Birney, proved that the
 north was awakening. The south could not continue to
 triumph without severer struggles.

James K. Polk became president on March 4, 1845.
 He possessed ordinary ability, and had had considerable
Polk's experience as a member of Congress,
Character. and had also been governor of Ten-
 nessee. He was a thoroughgoing Democrat of the Jef-
 fersonian school and a warm friend of Jackson.

Congress had a strong Democratic majority. Texas
 became a state, and her debatable frontier was occupied
 by United States troops. This precipitated war with
 Mexico. The Whigs said that Polk had provoked the war;
 but they offered little opposition to it. The only real
 feeling against it was that of the Liberty party, which saw
 that the defeat of Mexico would secure to the United
 States a larger territory for the use of the slaveocracy.

Soon, Polk asked for an appropriation with which to

make a purchase of coveted territory from Mexico.

Wilmot Proviso.

The Democrats at once proposed to give \$2,000,000 for the purpose. An amendment was offered to the bill, in the House, providing that slavery should not be permitted in the territory to be purchased. This was diametrically opposed to the object which the Democrats had in view in providing for the purchase. They desired the territory in order to extend slavery. They would defeat the amendment if possible. The Whigs favored the amendment and enough northern Democrats voted with them to secure its passage. Southern Democrats were ever a unit for slavery. Northern Democrats were somewhat divided. A majority of them invariably acted with the southern leaders. A few acted independently on the question of slavery. The amended bill went to the Senate, but too late to secure action at that session. The amendment was called the Wilmot Proviso after the member who offered it.

At the next session a bill to appropriate \$3,000,000 was passed, and the Wilmot Proviso was attached. The Senate rejected the Proviso, and the House concurred in

Success of the South.

the act. The Proviso, therefore, was lost. Slavery could be introduced into the new territory. The south had conquered again.

A slight change of feeling, caused by the course of the administration, gave the Whigs a very small majority in the House at the next Congress. They were able to pass a bill to organize the Territory of Oregon without slavery and at the following session to pass a resolution declaring the slave-sales in Washington to be a "reproach to our country."

Feeling on the slavery question was continually increasing. The Democrats nominated Lewis Cass and William

Election of 1849.

A. Butler. The Whigs nominated Zachary Taylor and Millard Fillmore. The Liberty party made no separate nominations, but

agreed to those made by a convention at Buffalo, which declared against any new slave states or territories, and nominated Martin Van Buren and Charles Francis Adams. The new party was called Free Soilers. The election gave Taylor 163 votes and Cass 127 votes; the majority was 36. Van Buren had a popular vote of nearly 300,000 but carried no state.

Slavery in one form or another had chiefly engrossed public attention during the past four years. The Texas question was settled satisfactorily to the south. Money was then appropriated to buy new slave territory, and a provision that it should be free was defeated. The organization of the Territory of Oregon without slavery did not begin to balance these gains. But these measures produced a reaction which resulted in a Whig success. The Democrats were playing fast and loose. They intended that the north should always yield, and they determined to augment their own strength so that they might always compel it. They went so far that they were defeated in 1849. The success of the Whigs meant merely that the country desired a more conservative course regarding slavery. The Whigs were not a pronounced anti-slavery party.

Zachary Taylor was elected solely as a military hero. He had enjoyed no civil experience and though an able general, was not a statesman. His administration came at a time when the conflict of the principles of freedom and slavery was becoming more determined and bitter. Only men of great vigor could be leaders in such an hour.

Having secured Texas, and purchased considerable western territory from Mexico, the Squatter Sovereignty Democrats desired to make the new states and territories slave-holding. They, therefore,

asserted that each territory had the right to decide for itself whether it would adopt slavery. By this means they expected to introduce slavery into the new lands. The theory that the right of decision rested with the first settlers or squatters was accordingly called Squatter Sovereignty or Popular Sovereignty. But gold was discovered in California. A great rush to the new territory took place. A Constitution prohibiting slavery was formed, and a new state asked for admission to the Union.

The south was very anxious to secure California as a slave state and so pave the way for the introduction of slavery into all the new lands. The north would not consent to it. As the feeling on both sides grew more bitter, Clay proposed a compromise, as he had done twice before. He suggested that the question of slavery be left to the local governments. This would make California a free state, but many of the new territories would become slave-holding. He further proposed the abolition of slavery in the District of Columbia, as a sop to the north, and a rigid Fugitive Slave Law as a portion for the south. These provisions were agreed upon in a bill known as the Compromise of 1850.

The south won again. They had made it possible for every new state and territory in the enormous tract of new land to become slave-holding, and they had secured a strict law to compel the return of escaped slaves. The north gained but one free state, and the abolition of the slave *trade*—not slavery itself—in the District of Columbia.

In July, 1850, President Taylor died. He had been president one year. Though a Whig, his party had not had a majority in the only session of Congress which he saw. The Democrats had had a majority in the Senate and a plurality in the House. The Whig success in the election had been

**Taylor's
Death.**

but a nominal one ; for it had not resulted in any power to administer the government according to Whig principles.

Millard Fillmore, the vice-president, succeeded to the presidency. He was a Whig and had enjoyed experience in local government and in Congress. **Fillmore's Character.** His ability was ordinary. Like Tyler and Polk, he had no particular claim upon the people. Unlike Harrison and Taylor he had had no military career. He had been only a respectable nominee for vice-president.

In the new Congress (December, 1851) the Democrats had majorities in both houses. The Whigs had the executive only, and he was hardly of such a character as to provoke collisions with the Democratic legislature.

The Democrats nominated Franklin Pierce and William R. King. The Whigs nominated Winfield Scott and William A. Graham. The Free Soilers nominated John P. Hale and George W. Julian and denounced the Compromise of 1850. **Election of 1853.** Pierce received 254 votes and Scott 42 votes ; the majority was 212. Hale received the vote of no state, and his popular vote was somewhat smaller than that cast for Van Buren four years before.

The period of 1849-53 was that of nominal Whig ascendancy. The Whig ticket was elected in 1849 ; but Congress remained Democratic. **Review of 1849-53.** The desire for a more conservative course, which elected Taylor, did not change Congress enough to give the Whigs a majority. The Democrats, consequently, controlled the legislature. After Taylor's death their power increased and under Fillmore they had a good majority. The Compromise which was adopted quieted the country for a time, gave the Democrats what they desired, and so completely allayed the fears of the north

that the Democrats carried the election of 1853 by an enormous majority. It was again thought that the slavery question was settled and, consequently, a calm prevailed.

Franklin Pierce was well educated. He had served in his state legislature ; and in both Houses of Congress, and was a devoted Democrat. **Pierce's Character.** In ability he ranked with his five immediate predecessors.

The Democrats now felt so strong that they determined on more aggressive measures. They were resolved to **Kansas-Nebraska Bill.** make slavery possible throughout all new territory. In order to do this, they prepared a bill to incorporate two territories. It declared the Compromise of 1820 (which made the parallel of 36° 30' a line north of which slavery could not go) to be unconstitutional and void, and repealed by the Compromise of 1850 ; and it provided that each territory should hereafter decide for itself concerning slavery. Two new territories were to be called Kansas and Nebraska. The bill was known as the Kansas-Nebraska bill.

The few Free Soilers in Congress naturally opposed this bill. The northern Whigs generally felt that its passage would be too great an advance for slavery, and they opposed it ; and those of the northern Democrats—about one-half—who were alarmed at the measure, opposed it also. In its favor were all the southern Democrats ; nearly all the southern Whigs, and half the northern Democrats. This combination was able to pass the measure.

The contests over slavery which had occurred every few years had not been without effect upon the people. The **Effects of the Bill.** appeals of the Abolitionists, though scoffed at, had been heard. A feeling of unrest was becoming prevalent in the north. When the Kansas-Nebraska bill passed there was an awakening.

Northern Whigs would no longer acknowledge party ties. They expressed their feelings by a new party name ; Anti-Nebraska Men. Others, dissatisfied with both parties, and with the influence of foreign-born citizens, joined in an organization called the American party. It received the popular name of Know-Nothings ; because its members were not allowed to know all its objects until they had reached a high degree in it.

The feeling against slavery was shown in the election of 1855 so that the House was almost evenly divided between **Republican Party.** slavery and anti-slavery. The Democrats and the Anti-Nebraska Men were very nearly equal. In 1854 the Anti-Nebraska Men of the northwest, who held to old Federal principles, who believed in the supremacy of the nation and who denounced state sovereignty and the extension of slavery, used the term Republican as a party name. Its use was contrary to that of the period of 1801-1825. It meant now just the reverse of what it meant then. It meant now nationality just as Federalism had meant it. It was opposed to the ideas of confederation which Jefferson had attached to it.

In 1854 the contest in Kansas between the free-state and the slavery settlers began in earnest. The first two **War in Kansas.** elections were carried by the slave holders by the aid of Missouri border ruffians. In July, 1855, a slavery legislature adopted a state constitution at Pawnee. In September, a free-state convention adopted a constitution at Topeka. The north aided free-state settlers with money and arms. Collisions were frequent between the two parties, and an irregular but bloody war was carried on.

President Pierce now (January, 1856) assumed to decide the constitutional question which was involved in the **Pierce's Course.** Kansas struggle and the secondary question relating to the slavery and free constitutions

which had been adopted. He recognized the slavery constitution and commanded obedience to it. This meant ; first, that each territory could decide for itself whether it would adopt slavery ; and second, that the slavery constitution was legal and binding. The north could not acquiesce in his decision of the first question. The whole country knew that he decided falsely on the second. But he had the power of the government with which to enforce his decision and, consequently, after a time, a certain degree of order appeared in the territory.

The Democrats nominated James Buchanan and J. C. Breckinridge, and declared in favor of squatter sovereignty.

**Election of
1857.**

The Republicans had grown strong enough to hold a convention and make nominations. They named John C. Fremont and W. L. Dayton, and declared against the extension of slavery. The Americans or Know-Nothings also met, and nominated Millard Fillmore and A. J. Donelson. Since the northern Whigs had repudiated the party, it had grown too weak to act for itself ; but a convention accepted the American candidates.

In the election, Buchanan received 174 votes ; Fremont 114 and Fillmore 8 ; the majority was 52 votes. The south was solidly Democratic and, aided by five northern states, carried the election.

The majority by which the Democrats had elected their president in 1853 had so reassured them that they had pro-

**Review of
1853-1857.**

ceeded to decided measures, and passed a bill designed to further increase slave territory. But, in so doing, they went almost too far. They precipitated a conflict between slavery and freedom in the new territory, and caused many of the elements which had long distrusted the democracy, to unite in a new party. With every contest on the slavery question a few more had realized its moment and had learned to hate it. The number was now large and was beginning to

crystallize. The action of the president strengthened the movement. It only required a little further arrogance from the Democrats to make the Republicans a majority. This last point, however, was not yet reached, and the Democrats carried the election by a small majority.

James Buchanan became president on March 4, 1857. He was an educated man and a lawyer by profession. **Buchanan's Character.** He had enjoyed a long experience in civil affairs as member of Congress, foreign minister and secretary of state. He possessed fair ability and was a devoted Democrat.

Immediately after Buchanan's inauguration the Supreme Court rendered a decision which startled the country. **Dred Scott Case.** It regarded a slave, Dred Scott, who claimed to be free after having lived some years in free northern territory. Chief Justice Taney decided that the Compromise of 1820 was unconstitutional; that a slave holder could carry his slaves where he pleased in free states and territories and still hold them; and that the court had no jurisdiction. This meant that slaveholders could settle with their slaves in free states and thus make free states slave-holding, and that a slave was a *thing* for which there was no protection. It meant that slavery was no longer local and upheld by state laws only; but that it was national and was to be sustained by the nation. It was the decision, by the highest tribunal of the land, of the question which had been debated and compromised in Congress for thirty-five years. If the people acquiesced, slavery had won its final triumph and would spread its "peculiar institution" over the whole land. If they denied the judgment, they must appeal to force; there was no other court. The case is known, after the slave, as the Dred Scott case.

This case aroused, more generally than any thing which had preceded it, the feelings of the north. It was a very

bold step for the south to take. The north had been for years slowly awakening to the encroachments of the slave power. It had been growing more irritated and dissatisfied. The south did not believe that it would offer any determined opposition now. It counted on the submission which had been always given. But the north was just beginning to understand what slavery really meant, and what the south intended, and deeper feelings were moved.

When Congress met in December, 1857, it had a moderate Democratic majority. Its chief business concerned

Kansas Constitution. Kansas, for which territory another constitution had been framed at Le-compton. The only ballots allowed in the vote on this constitution had been, "For the Constitution *with* Slavery," and "For the Constitution *without* Slavery." The Free-state men had not voted, and Slavery had received 6,000 majority. The president wished to receive Kansas as a state with this fraudulent constitution. Congress agreed to it; but arranged that the people should vote again on this constitution. As a bribe, Congress offered the new state a large grant of public land if it was adopted. The vote was taken, and the constitution was rejected by 10,000 majority. A new constitution, prohibiting slavery, was formed at Wyandot in July, 1859, and was adopted by 4,000 majority.

Hardly had the Kansas matter been settled when the John Brown excitement at Harper's Ferry occurred. John

John Brown. Brown had been a Kansas settler. In the fighting in that territory he had lost most of his family. He saw that slavery had caused all the misery he had seen, and he was partially crazed by his misfortunes. He settled at Harper's Ferry and determined to arouse the slaves to general rebellion. In October, 1859, with a few men, he seized the arsenal. Great excitement resulted in the south. He was quickly captured and hung.

The next Congress had a Republican plurality in the House, but the Senate was Democratic. The House agreed to admit Kansas under the Wyandot constitution, but the Senate refused, and so the matter failed. Slavery did not come up for special discussion.

In the spring of 1860 the Democratic convention met. The southern wing of the party had always had control, and now proposed to go further than ever before. It wished to have the party declare that no territory could prohibit slavery *even within its own borders*. The northern wing objected to this as too radical. It favored squatter-sovereignty, that is, the right of each territory to decide for itself for or against slavery.

When squatter-sovereignty was adopted by the Democratic party in 1850, it was an advance for slavery beyond the Compromise of 1820. The whole party agreed to it. But when, ten years later, the slave-holders sought to force the adoption of the most radical slavery plans, the northern wing of the party declared that it would abide by the Compromise of 1850. This course astonished the south. Many southern delegates left the convention which, after futile balloting, adjourned.

The convention re-assembled two months later. More squatter-sovereignty men, or Douglass Democrats, were admitted, and the remaining southern delegates withdrew. Stephen A. Douglass and H. V. Johnson were then nominated. The southern delegates met in convention and nominated John C. Breckinridge and Joseph Lane.

The American or Know-Nothing party now called itself "Constitutional Union." Since the Republican party had organized and taken a decided stand, it had lost strength; and now had no specific reason for existence. It nominated John Bell and Edward Everett. The Republican convention declared freedom to be the nor-

American and Republican Conventions.

mal condition of the territories, and asserted that Congress should maintain it. It nominated Abraham Lincoln and Hannibal Hamlin.

The election gave Lincoln 180 votes ; Breckinridge 72 votes ; Bell 39 votes, and Douglass 12 votes ; Lincoln's

Election of majority was 57 votes. The south was
1861. defeated by the unanimous vote of the free states. Candidates pledged to maintain the freedom of the territories had been chosen. All that had been gained in the contests, compromises and decisions of forty years was threatened with destruction. In the extreme slavery position taken in the Dred Scott decision the Democrats had risked all. In the election of Lincoln they knew that they had lost all.

The South Carolina legislature at once called a convention. It met and unanimously resolved to secede from

Secession. the Union. Other slave states followed, and within two months Georgia, Alabama, Florida, Mississippi, Louisiana and Texas seceded.

Congress met in December, 1860. Buchanan did not think the nation could coerce a state. Congress was full of propositions for compromise and one, resembling the Compromise of 1820, had some chance, but was finally rejected. It was called, from its proposer, the Crittenden Compromise. Congress did not succeed in accomplishing anything. A Peace Congress was held in Washington and it, too, failed. In the meantime the south was rapidly arming. Treacherous members of the cabinet were doing all they could to aid the south, and the president connived or was weakly ignorant. In the four months between the election and the inauguration of Lincoln, the south secured a large part of the arms and munitions of the Union and organized a government. Southern members withdrew from Congress and the Republicans were left with a majority. A month after Lincoln's inauguration Fort Sumter was fired upon. The

north was momentarily stunned. Then it awoke, as if by magic, and the great struggle which had been fought in Constitutional Convention, at the polls, and in Congress for seventy-three years was transferred to an appeal to arms.

Modern Democracy covered a period of thirty-two years, from 1829 to 1861. It witnessed the establishment **Review of Modern Democracy.** in power of the Democratic party; the control of that party by slavery, and the final defeat of the party; because slavery developed the bad characteristics of the party, and carried to a logical conclusion its worst principles.

The Democratic party came into power by the election of a military hero. It established its hold upon the country through the fearless course of this president. Though he made great errors, he won immense popularity and accomplished much for his party. In financial matters, however, he greatly erred, and so unsettled the country that a panic followed in the administration of his successor. This caused a temporary revulsion of feeling, and a Whig was elected president. But in one month he died. The vice-president was a Democrat, and the party really had lost nothing. They easily elected the next president. Under him, slavery made such attempts to secure new territory for itself that another revulsion of feeling elected a Whig in 1849. Again the Whig president died soon after entering his office. The vice-president was not a Democrat this time, but a weak Whig. Congress, however, was Democratic and controlled legislation in favor of slavery. The next election gave the Democrats a large majority. They then passed new measures to advance the interests of slavery. They went so far that the people began to be aroused and a new party organized to oppose them on the slavery issue. Once more they elected their president. Then they took their most decisive step. They secured from the Supreme

Court a decision which opened the whole country to slavery. This went far to arouse the people. In 1860, candidates opposed to the extension of slavery were elected. The south saw that it was defeated. It could no longer remain in the Union and rule it. It therefore seceded. Then it fired upon the flag. At last the north awoke. It accepted the appeal to arms and prepared to fight out the battle which compromises in the Constitution and in Congress had only delayed.

MODERN DEMOCRACY. 1829-1861.	War against U. S. Bank—Popular in the South,		1829.
	“ “ Nullification— “ “ “ North,		1837.
	Bad Financial Policy, ...		
	Financial Panic, ...		1837-41.
	Defeat in Presidential Election, ...		1841.
	Death of Whig President, ...		1841.
	Democratic Vice-President becomes President,		1841.
	Annexation of Texas to Increase Slave Territory,		1841-49.
	Consequent Election of Whig President, ...		1849.
	Death of Whig President, ...		1850.
	Vice-President a Weak Whig and Congress Dem-		
	ocratic, ...		1850-53.
	Election of Democratic President, ...		1853.
	Partial Opening of Territories to Slavery, ...		1853.
	Contest in Kansas over Slavery, ...		1850-57.
	Decision of the Supreme Court virtually opening		
	the whole country to Slavery, ...		1857.
	Consequent Excitement, ...		1857-61.
	Election of a Republican President, ...		1861.
	“Secession” of Three-fifths of the Democratic		
	Party (the South), ...		1861.

CHAPTER VI.

THE WAR AND ITS CONSEQUENCES.

Secession is impossible in a federal nation like the United States. Resolutions of secession are declarations of rebellion. Consequently, when the south fired upon the flag, the nation sprang to arms. Both sides were powerful, and the rebellion lasted four years before it could be subdued. Meanwhile the slaves were declared free as a war measure. Lincoln's administration was wholly occupied with the war. In 1865 he was reëlected. The people had perfect confidence in him. They looked forward to peace and the reëstablishment of the Union. Suddenly he was brutally murdered by the south. That, the people could not forgive. The vice-president was a narrow southerner. Congress could never agree with him, and reorganized the south with far sterner measures than would have been employed had not Lincoln been murdered. Johnson's term was full of turmoil. It was a relief to the country when it ended.

Grant, a military hero, succeeded him. The reconstruction of the south was completed. Troops were retained in many places. A deep hatred of the north obtained. Everywhere the Democratic ticket was voted, and reigns of terror were instituted to control and suppress the blacks. At last it was felt that the south had been treated too vigorously. The Democrats very nearly carried the election in 1877. Hayes, a republican, was, however, chosen. He relaxed the hold on the south and the country became quiet. Meantime great abuses had become known in the administration of the government

and cries of reform grew popular. The Democrats would have elected their candidate in 1881 had not the Republicans suddenly declared that Democratic success meant free-trade, and the pauperizing of the workingmen. This declaration had its effect, and the Republicans elected Garfield by a good majority. In a few months he was murdered by a semi-idiot, and Chester A. Arthur, the vice-president, became president.

THE WAR AND ITS CONSEQUENCES. 1861-1881.	{	Rebellion, ...	1861.
		Suppression of the Rebellion, ...	1865.
		Murder of Lincoln, ...	1865.
		Reconstruction of the South, ...	1865-77.
		Restoration of Harmony, ...	1881.
		Murder of Garfield, ...	1881.

The Federal party, which had formed and adopted the Constitution, was intrusted with putting it into operation.

Federal Supremacy. It performed its task, but passed measures which caused strong opposition, and the organization of a powerful opposition party. After Washington left the presidency the Federal party was not harmonious. At last it passed two arbitrary measures, the Alien and Sedition acts. These frightened the people, filled them with mistrust, and caused the success of the Democrats in the next election. The Federalists had done all for which they had been given office. The people did not care to retain them longer in power.

The Republicans came into office when the country was beginning to feel the results of wise Federal policy.

Republican Supremacy. They took all the credit for it. But Jefferson pursued an unwise policy which caused war in the term of his successor. Later, a wiser course being pursued, the country became contented and the "Era of Good Feeling" appeared.

John Quincy Adams's election in 1825 caused a change

and introduced a new activity into politics. He was naturally a Federalist. Congress was **Federal-Republicanism.** Republican. There was no harmony between them. Statesmen strove to prepare for their own election in 1829. The time of 1825-1829 is a transition period.

With Jackson's election came the reassertion of Jeffersonian views in a modern form. The Democrats secured a strong hold on power through Jackson's personal popularity, and only lost it twice (1841 and 1849) for eighteen months in all, when they had presumed too much on their strength. In all this time new measures more and more favorable to slavery were passed. Excitement was caused in the north, and a feeling of distrust and fear was appearing. At last the Democrats secured from the Supreme Court a decision which opened the whole country to slavery. This was more than the north could bear. It carried the next election. The south saw that it had lost all. It declared that it had seceded. Secession being impossible under our government, such a course was only rebellion. The Democracy lost control of the government. Three-fifths of the party engaged in rebellion; one-fifth sympathized with it in the north, and one-fifth became loyal to the Union.

The north conquered in the war; the slaves were freed; the south was reconstructed and admitted to its privileges; a certain degree of harmony at last obtained; prosperity reappeared; provision to meet the national debt was made and a national credit established.

The Democratic party has remained almost intact in name and form from 1789 to the present. It is the party of conservatism. The Federal, Whig, Abolition or Republican party has continually changed in name and form. It is the party of liberalism, of ideas. When it

has accomplished its mission in one form, it has seemed to disappear ; but it has only been changing to meet new requirements and fulfill its destiny. It is a positive, aggressive force. It cannot remain intact and undisturbed like a conservative body. When its objects are secured it vanishes for a time, but reappears in every new crisis.

APPENDIX.

APPENDIX.

I

PRESIDENTS OF THE CONTINENTAL CONGRESS AND OF THE CONGRESS OF THE CONFEDERATION, 1774-1788.

Peyton Randolph, Va.,	.	.	.	.	Sept. 5, 1774.
Henry Middleton, S. C.,	.	.	.	.	Oct. 22, 1774.
Peyton Randolph, Va.,	.	.	.	.	May 10, 1775.
John Hancock, Mass.,	.	.	.	.	May 24, 1775.
Henry Laurens, S. C.,	.	.	.	.	Nov. 1, 1777.
John Jay, N. Y.,	.	.	.	.	Dec. 10, 1778.
Samuel Huntington, Ct.,	.	.	.	.	Sept. 28, 1779.
Thomas McKean, Del.,	.	.	.	.	July 10, 1781.
John Hanson, Md.,	.	.	.	.	Nov. 5, 1781.
Elias Boudinot, N. J.,	.	.	.	.	Nov. 4, 1782.
Thomas Mifflin, Pa.,	.	.	.	.	Nov. 3, 1783.
Richard H. Lee, Va.,	.	.	.	.	Nov. 30, 1784.
Nathaniel Gorham, Mass.,	.	.	.	.	June 6, 1786.
Arthur St. Clair, Pa.,	.	.	.	.	Feb. 2, 1787.
Cyrus Griffin, Va.,	.	.	.	.	Jan. 22, 1788.

II

PRESIDENTS AND VICE-PRESIDENTS OF THE UNITED STATES.

Presidents.	Vice-Presidents.
1. 1789.—George Washington, Va.	John Adams, Mass.
1793.—“ “ “ “	“ “ “ “
2. 1797.—John Adams, Mass.	Thomas Jefferson, Va.
3. 1801.—Thomas Jefferson, Va.	Aaron Burr, N. Y.
1805.—“ “ “	George Clinton, N. Y.
4. 1809.—James Madison, “	“ “ “
1813.—“ “ “	Elbridge Gerry, Mass.
5. 1817.—James Monroe, “	D. D. Tompkins, N. Y.
1821.—“ “ “	“ “ “

PRESIDENTS AND VICE-PRESIDENTS OF THE UNITED STATES.
(Continued.)

	Presidents.	Vice-Presidents.
6.	1825.—John Q. Adams, Mass.	John C. Calhoun, S. C.
7.	1829.—Andrew Jackson, Tenn.	“ “ “ “
	1833.—“ “ “	Martin Van Buren, N. Y.
8.	1837.—Martin Van Buren, N. Y.	R. M. Johnson, Ky.
9.	1841.—Wm. Henry Harrison, O.	John Tyler, Va.
10.	1842.—John Tyler, Va.	
11.	1845.—James K. Polk, Tenn.	G. M. Dallas, Pa.
12.	1849.—Zachary Taylor, La.	Millard Fillmore, N. Y.
13.	1849.—Millard Fillmore, N. Y.	
14.	1853.—Franklin Pierce, N. H.	Wm. R. King, Ala.
15.	1857.—James Buchanan, Pa.	J. C. Breckinridge, Ky.
16.	1861.—Abraham Lincoln, Ill.	Hannibal Hamlin, Me.
	1865.—“ “ “	Andrew Johnson, Tenn.
17.	1865.—Andrew Johnson, Tenn.	
18.	1869.—U. S. Grant, Ill.	Schuyler Colfax, Ind.
	1873.—“ “ “	Henry Wilson, Mass.
19.	1877.—R. B. Hayes, O.	Wm. A. Wheeler, N. Y.
20.	1881.—James A. Garfield, O.	Chester A. Arthur, “
21.	1881.—Chester A. Arthur, N. Y.	

III

CHIEF JUSTICES OF THE SUPREME COURT OF THE
UNITED STATES.

John Jay, N. Y.,		1789-1795.
Oliver Ellsworth, Conn.,		1796-1800.
John Marshall, Va.,		1801-1835.
Roger B. Taney, Md.,		1835-1864.
Salmon P. Chase, O.,		1864-1874.
Morrison R. Waite, O.,		1874-

IV

SPEAKERS OF THE HOUSE OF REPRESENTATIVES OF THE
UNITED STATES.

1st. Congress, 1789-1791.—	F. A. Muhlenberg,	Pa.
2nd. “ 1791-1793.—	Jonathan Trumbull,	Ct.
3rd. “ 1793-1795.—	F. A. Muhlenberg,	Pa.
4th. “ 1795-1797.—	Jonathan Dayton,	N. J.
	“ “	“
5th. “ 1797-1799. {	George Dent,	Md.

SPEAKERS OF THE HOUSE OF REPRESENTATIVES OF THE
UNITED STATES.—(*Continued.*)

6th. Congress,	1799-1801.—	Theodore Sedgwick,	Mass.
7th.	" 1801-1803.—	Nathaniel Macon,	N. C.
8th.	" 1803-1805.—	" "	"
9th.	" 1805-1807.—	" "	"
10th.	" 1807-1809.—	J. B. Varnum,	Mass.
11th.	" 1809-1811.—	" "	"
12th.	" 1811-1813.—	Henry Clay,	Ky.
13th.	" 1813-1815. }	Langdon Cheves,	S. C.
14th.	" 1815-1817.—	Henry Clay,	Ky.
15th.	" 1817-1819.—	" "	"
16th.	" 1819-1821. }	J. W. Taylor,	N. Y.
17th.	" 1821-1823.—	P. P. Barbour,	Va.
18th.	" 1823-1825.—	Henry Clay,	Ky.
19th.	" 1825-1827.—	J. W. Taylor,	N. Y.
20th.	" 1827-1829.—	Andrew Stevenson,	Va.
21st.	" 1829-1831.—	" "	"
22nd.	" 1831-1833.—	" "	"
23rd.	" 1833-1835. }	Henry Hubbard,	N. H.
24th.	" 1835-1837.—	John Bell,	Tenn.
25th.	" 1837-1839.—	James K. Polk,	"
26th.	" 1839-1841.—	" " "	"
27th.	" 1841-1843.—	R. M. T. Hunter,	Va.
		{ John White,	Ky.
28th.	" 1843-1845. }	J. W. Jones,	Va.
		{ G. W. Hopkins,	"
29th.	" 1845-1847.—	J. W. Davis,	Ind.
30th.	" 1847-1849. }	R. C. Winthrop,	Mass.
		{ Armisted Burt,	S. C.
31st.	" 1849-1851.—	Howell Cobb,	Ga.
32nd.	" 1851-1853.—	Linn Boyd,	Ky.
33rd.	" 1853-1855.—	" "	"
34th.	" 1855-1857.—	N. P. Banks,	Mass.
35th.	" 1857-1859.—	James L. Orr,	S. C.
36th.	" 1859-1861.—	Wm. Pennington,	N. J.
37th.	" 1861-1863.—	G. A. Grow,	Pa.
38th.	" 1863-1865.—	Schuyler Colfax,	Ind.
39th.	" 1865-1867.—	" "	"
40th.	" 1867-1869.—	" "	"
41st.	" 1869-1871.—	J. G. Blaine,	Me.
42nd.	" 1871-1873.—	" "	"
43rd.	" 1873-1875.—	" "	"

SPEAKERS OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.—(*Continued.*)

44th. Congress, 1875-1877.	{ M. J. Kerr,	Me.
	{ S. J. Randall,	Pa.
45th. " 1877-1879.—	" "	"
46th. " 1879-1881.—	" "	"
47th. " 1881-1883.—	J. W. Keifer,	O.

V

CABINETS OF THE PRESIDENTS.

GEORGE WASHINGTON, <i>President</i> ,		1789-1797
John Adams, <i>Vice-President</i> ,		1789-1797
<i>Sec'y State</i> ,	T. Jefferson, ...	1789-1794
	E. Randolph, ...	1794-1795
	T. Pickering, ...	1795-1797
<i>Sec'y Treas.</i> ,	A. Hamilton, ...	1789-1795
	O. Wolcott, ...	1795-1797
<i>Sec'y War</i> ,	H. Knox, ...	1789-1794
	T. Pickering, ...	1795-1796
	J. McHenry, ...	1796-1797
<i>Att'y-Gen'l</i> ,	E. Randolph, ...	1789-1794
	W. Bradford, ...	1794-1795
	C. Lee, ...	1795-1797
<i>Post.-Gen'l</i> ,	S. Osgood, ...	1789-1791
	T. Pickering, ...	1791-1795
	J. Habersham, ...	1795-1797
JOHN ADAMS, <i>President</i> ,		1797-1801
Thomas Jefferson, <i>Vice-President</i> ,		1797-1801
<i>Sec'y State</i> ,	T. Pickering, ...	1797-1800
	J. Marshall, ...	1800-1801
<i>Sec'y Treas.</i> ,	O. Wolcott, ...	1797-1800
	S. Dexter, ...	1800-1801
<i>Sec'y War</i> ,	J. McHenry, ...	1797-1800
	S. Dexter, ...	1800-1801
	R. Griswold, ...	1801-1801
<i>Sec'y Navy</i> ,	G. Cabot, ...	1798-1798
	B. Stoddert, ...	1798-1801
<i>Att'y-Gen'l</i> ,	C. Lee, ...	1797-1801
<i>Post.-Gen'l</i> ,	J. Habersham, ...	1797-1801
THOMAS JEFFERSON, <i>President</i> ,		1801-1809
Aaron Burr, <i>Vice-President</i> ,		1801-1805

CABINETS OF THE PRESIDENTS.—(*Continued.*)

George Clinton, <i>Vice-President</i> ,	.	.	.	1805-1809
<i>Sec'y State</i> ,	J. Madison,	.	.	1801-1809
<i>Sec'y Treas.</i> ,	S. Dexter,	.	.	1801-1801
	A. Gallatin,	.	.	1801-1809
<i>Sec'y War</i> ,	H. Dearborn,	.	.	1801-1809
<i>Sec'y Navy</i> ,	B. Stoddert,	.	.	1801-1801
	R. Smith,	.	.	1801-1805
	J. Crowninshield,	.	.	1805-1809
<i>Att'y-Gen'l</i> ,	L. Lincoln,	.	.	1801-1805
	R. Smith,	.	.	1805-1805
	J. Breckenridge,	.	.	1805-1807
	C. A. Rodney,	.	.	1807-1809
<i>Post.-Gen'l</i> ,	J. Habersham,	.	.	1801-1801
	G. Granger,	.	.	1801-1809
JAMES MADISON, <i>President</i> ,				1809-1817
George Clinton, <i>Vice-President</i> ,	.	.	.	1809-1813
Elbridge Gerry,	"	.	.	1813-1817
<i>Sec'y State</i> ,	R. Smith,	.	.	1809-1811
	J. Monroe,	.	.	1811-1817
<i>Sec'y Treas.</i> ,	A. Gallatin,	.	.	1809-1814
	G. W. Campbell,	.	.	1814-1814
	A. J. Dallas,	.	.	1814-1816
	W. H. Crawford,	.	.	1816-1817
<i>Sec'y War</i> ,	W. Eustis,	.	.	1809-1813
	J. Armstrong,	.	.	1813-1814
	J. Monroe,	.	.	1814-1815
	W. H. Crawford,	.	.	1816-1817
<i>Sec'y Navy</i> ,	P. Hamilton,	.	.	1809-1813
	W. Jones,	.	.	1813-1814
	B. W. Crowninshield,	.	.	1814-1817
<i>Att'y-Gen'l</i> ,	C. A. Rodney,	.	.	1809-1811
	W. Pinckney,	.	.	1811-1814
	R. Rush,	.	.	1814-1817
<i>Post.-Gen'l</i> ,	G. Granger,	.	.	1809-1814
	R. J. Meigs,	.	.	1814-1817
JAMES MONROE, <i>President</i> ,				1817-1825
D. D. Tompkins, <i>Vice-President</i> ,	.	.	.	1817-1825
<i>Sec'y State</i> ,	J. Q. Adams,	.	.	1817-1825
<i>Sec'y Treas.</i> ,	W. H. Crawford,	.	.	1817-1825
<i>Sec'y War</i> ,	G. Graham,	.	.	1817-1817
	J. C. Calhoun,	.	.	1817-1825
<i>Sec'y Navy</i> ,	B. W. Crowninshield,	.	.	1817-1818
	S. Thompson,	.	.	1818-1823
	J. Rogers,	.	.	1823-1823

CABINETS OF THE PRESIDENTS.—(Continued.)

<i>Sec'y Navy,</i>	S. L. Southard,	1823-1825
<i>Att'y-Gen'l,</i>	R. Rush,	1817-1817
	W. Wirt,	1817-1825
<i>Post.-Gen'l,</i>	R. J. Meigs,	1817-1823
	J. McLean,	1823-1825
JOHN QUINCY ADAMS, <i>President.</i>		
J. C. Calhoun, <i>Vice-President,</i>		1825-1829
<i>Sec'y State,</i>	H. Clay,	1825-1829
<i>Sec'y Treas.,</i>	R. Rush,	1825-1829
<i>Sec'y War,</i>	J. Barbour,	1825-1828
	P. B. Porter,	1828-1829
<i>Sec'y Navy,</i>	S. L. Southard,	1825-1829
<i>Att'y-Gen'l,</i>	W. Wirt,	1825-1829
<i>Post.-Gen'l,</i>	J. McLean,	1825-1829
ANDREW JACKSON, <i>President,</i>		
J. C. Calhoun, <i>Vice-President,</i>		1829-1833
M. Van Buren,	"	1833-1837
<i>Sec'y State,</i>	M. Van Buren,	1829-1831
	E. Livingston,	1831-1833
	L. McLane,	1833-1834
	J. Forsyth,	1834-1837
<i>Sec'y Treas.,</i>	S. D. Ingham,	1829-1831
	L. McLane,	1831-1833
	W. J. Duane,	1833-1833
	R. B. Taney,	1833-1834
	L. Woodbury,	1834-1837
<i>Sec'y War,</i>	J. H. Eaton,	1829-1831
	L. Cass,	1831-1837
	B. F. Butler,	1837-1837
<i>Sec'y Navy,</i>	J. Branch,	1829-1831
	L. Woodbury,	1831-1834
	M. Dickerson,	1834-1837
<i>Att'y-Gen'l,</i>	J. M. Berrien,	1829-1831
	R. B. Taney,	1831-1834
	B. F. Butler,	1834-1837
<i>Post.-Gen'l,</i>	W. T. Barry,	1829-1835
	A. Kendall,	1835-1837
MARTIN VAN BUREN, <i>President,</i>		
R. M. Johnson, <i>Vice-President,</i>		1837-1841
<i>Sec'y State,</i>	J. Forsyth,	1837-1841
<i>Sec'y Treas.,</i>	L. Woodbury,	1837-1841
<i>Sec'y War,</i>	J. R. Poinsett,	1837-1841
<i>Sec'y Navy,</i>	M. Dickerson,	1837-1838
	J. K. Paulding,	1838-1841

CABINETS OF THE PRESIDENTS.—(*Continued.*)

<i>Att'y-Gen'l,</i>	B. F. Butler,	1837-1838
	F. Grundy,	1838-1840
	H. D. Gilpin,	1840-1841
<i>Post.-Gen'l,</i>	A. Kendall,	1837-1840
	J. M. Niles,	1840-1841
WM. HENRY HARRISON, <i>President,</i>		1841-1841
John Tyler, <i>Vice-President,</i>		1841-1841
John Tyler, <i>President,</i>		1841-1845
<i>Sec'y State,</i>	D. Webster,	1841-1843
	H. S. Legare,	1843-1843
	A. B. Upshur,	1843-1844
	J. Nelson,	1844-1844
	J. C. Calhoun,	1844-1845
<i>Sec'y Treas.,</i>	T. Ewing,	1841-1841
	W. Forward,	1841-1843
	J. C. Spencer,	1843-1844
	G. M. Bibb,	1844-1845
<i>Sec'y War,</i>	J. Bell,	1841-1841
	J. McLean,	1841-1845
	J. C. Spencer,	1841-1843
	J. M. Porter,	1843-1844
	W. Wilkins,	1844-1845
<i>Sec'y Navy,</i>	G. E. Badger,	1841-1841
	A. P. Upshur,	1841-1843
	D. Henshaw,	1843-1844
	T. W. Gilmer,	1844-1844
	J. Y. Mason,	1844-1845
<i>Att'y-Gen'l,</i>	J. J. Crittenden,	1841-1841
	H. S. Legare,	1841-1843
	J. Nelson,	1843-1845
<i>Post.-Gen'l,</i>	F. Granger,	1841-1841
	C. A. Wickliffe,	1841-1845
JAMES K. POLK, <i>President,</i>		1845-1849
G. M. Dallas, <i>Vice-President,</i>		1845-1849
<i>Sec'y State,</i>	J. Buchanan,	1845-1849
<i>Sec'y Treas.,</i>	R. J. Walker,	1845-1849
<i>Sec'y War,</i>	W. L. Marcy,	1845-1849
<i>Sec'y Navy,</i>	G. Bancroft,	1845-1846
	J. Y. Mason,	1846-1849
<i>Att'y Gen'l,</i>	J. Y. Mason,	1845-1846
	N. Clifford,	1846-1848
	I. Toucey,	1848-1849
<i>Post.-Gen'l,</i>	C. Johnson,	1845-1849

CABINETS OF THE PRESIDENTS.—(Continued.)

ZACHARY TAYLOR, <i>President</i> ,	.	.	.	1849-1850
M. Fillmore, <i>Vice-President</i> ,	.	.	.	1849-1850
Millard Fillmore, <i>President</i> ,	.	.	.	1850-1853
<i>Sec'y State</i> ,	J. M. Clayton,	.	.	1849-1850
	D. Webster,	.	.	1850-1852
	E. Everett,	.	.	1852-1853
<i>Sec'y Treas.</i> ,	W. M. Meredith,	.	.	1849-1850
	T. Corwin,	.	.	1850-1853
<i>Sec'y War</i> ,	G. W. Crawford,	.	.	1849-1850
	W. Scott,	.	.	1850-1850
	C. M. Conrad,	.	.	1850-1853
<i>Sec'y Navy</i> ,	W. B. Preston,	.	.	1849-1850
	W. A. Graham,	.	.	1850-1852
	J. P. Kennedy,	.	.	1852-1853
<i>Sec'y Interior</i> ,	T. Ewing,	.	.	1849-1850
	A. H. H. Stuart,	.	.	1850-1853
<i>Atty-Gen'l</i> ,	R. Johnson,	.	.	1849-1850
	J. J. Crittenden,	.	.	1850-1853
<i>Post.-Gen'l</i> ,	J. Collamer,	.	.	1849-1850
	W. K. Hall,	.	.	1850-1852
	S. D. Hubbard,	.	.	1852-1853
FRANKLIN PIERCE, <i>President</i> ,	.	.	.	1853-1857
W. R. King, <i>Vice-President</i> ,	.	.	.	1853-
<i>Sec'y State</i> ,	W. L. Marcy,	.	.	1853-1857
<i>Sec'y Treas.</i> ,	J. Guthrie,	.	.	1853-1857
<i>Sec'y War</i> ,	J. Davis,	.	.	1853-1857
<i>Sec'y Navy</i> ,	J. C. Dobbin,	.	.	1853-1857
<i>Sec'y Interior</i> ,	R. McClelland,	.	.	1853-1857
<i>Atty-Gen'l</i> ,	C. Cushing,	.	.	1853-1857
<i>Post.-Gen'l</i> ,	J. Campbell,	.	.	1853-1857
JAMES BUCHANAN, <i>President</i> ,	.	.	.	1857-1861
J. C. Breckinridge, <i>Vice President</i> ,	.	.	.	1857-1861
<i>Sec'y State</i> ,	L. Cass,	.	.	1857-1860
	J. S. Black,	.	.	1860-1861
<i>Sec'y Treas.</i> ,	H. Cobb,	.	.	1857-1860
	P. F. Thomas,	.	.	1860-1861
	J. A. Dix,	.	.	1861-1861
<i>Sec'y War</i> ,	J. B. Floyd,	.	.	1857-1861
	J. Holt,	.	.	1861-1861
<i>Sec'y Navy</i> ,	I. Toucey,	.	.	1857-1861
<i>Sec'y Interior</i> ,	J. Thompson,	.	.	1857-1861
<i>Atty-Gen'l</i> ,	J. S. Black,	.	.	1857-1860
	E. M. Stanton,	.	.	1860-1861

CABINETS OF THE PRESIDENTS.—(Continued.)

<i>Post.-Gen'l,</i>	A. V. Brown,	1857-1859
	J. Holt,	1859-1861
	H. King,	1861-1861
ABRAHAM LINCOLN, <i>President,</i>		1861-1865
ABRAHAM LINCOLN, <i>President,</i>		1865-
H. Hamlin, <i>Vice-President,</i>		1861-1865
A. Johnson, " "		1865-
Andrew Johnson, <i>President,</i>		1865-1869
<i>Sec'y State,</i>	W. H. Seward,	1861-1869
<i>Sec'y Treas.,</i>	S. P. Chase,	1861-1864
	W. P. Fessenden,	1864-1865
	H. McCulloch,	1865-1869
<i>Sec'y War,</i>	S. Cameron,	1861-1861
	E. M. Stanton,	1861-1867
	U. S. Grant,	1867-1868
	E. M. Stanton,	1868-1868
	J. M. Schofield,	1868-1869
<i>Sec'y Navy,</i>	G. Welles,	1861-1869
<i>Sec'y Interior,</i>	C. B. Smith,	1861-1863
	J. P. Usher,	1863-1865
	J. Harlan,	1865-1866
	O. H. Browning,	1866-1869
<i>Att'y-Gen'l,</i>	E. Bates,	1861-1863
	T. J. Coffee,	1863-1864
	J. J. Speed,	1864-1866
	H. Stanberry,	1866-1868
	W. M. Evarts,	1868-1869
<i>Post.-Gen'l,</i>	M. Blair,	1861-1864
	W. Denison,	1864-1866
	A. W. Randall,	1866-1869
ULYSSES S. GRANT, <i>President,</i>		1869-1877
Schuyler Colfax, <i>Vice-President,</i>		1869-1873
Henry Wilson, "		1873-1877
<i>Sec'y State,</i>	E. B. Washburne,	1869-1869
	Hamilton Fish,	1869-1877
<i>Sec'y Treas.,</i>	G. S. Boutwell,	1869-1873
	W. A. Richardson,	1873-1874
	B. H. Bristow,	1874-1876
	L. M. Morrill,	1876-1877
<i>Sec'y War,</i>	J. A. Rawlins,	1869-1869
	W. T. Sherman,	1869-1869
	W. W. Belknap,	1869-1876
	A. Taft,	1876-1876
	J. D. Cameron,	1876-1877

CABINETS OF THE PRESIDENTS.—(Continued.)

<i>Sec'y Navy,</i>	A. E. Borie, . . .	1869-1869
	G. M. Robeson, . . .	1869-1877
<i>Sec'y Interior,</i>	J. D. Cox, . . .	1869-1870
	C. Delano, . . .	1870-1875
	Z. Chandler, . . .	1875-1877
<i>Att'y-Gen'l,</i>	E. R. Hoar, . . .	1869-1870
	A. T. Akerman, . . .	1870-1871
	G. H. Williams, . . .	1871-1875
	E. Pierrepont, . . .	1875-1876
	A. Taft, . . .	1876-1877
<i>Post.-Gen'l,</i>	J. A. J. Creswell, . . .	1869-1874
	M. Jewell, . . .	1874-1876
	J. M. Tyner, . . .	1876-1877
RUTHERFORD B. HAYES, <i>President,</i>		1877-1881
W. A. Wheeler, <i>Vice-President,</i>		1877-1881
<i>Sec'y State,</i>	W. M. Evarts, . . .	1877-1881
<i>Sec'y Treas.,</i>	John Sherman, . . .	1877-1881
<i>Sec'y War,</i>	G. W. McCrary, . . .	1877-1879
	Alex. Ramsey, . . .	1879-1881
<i>Sec'y Navy,</i>	R. W. Thompson, . . .	1877-1881
	Nathan Goff, Jr., . . .	1881-1881
<i>Sec'y Interior,</i>	Carl Schurz, . . .	1877-1881
<i>Att'y-Gen'l,</i>	Charles Devens, . . .	1877-1881
<i>Post.-Gen'l,</i>	D. M. Key, . . .	1877-1880
	Horace Maynard, . . .	1880-1881
JAMES A. GARFIELD, <i>President,</i>		1881-
Chester A. Arthur, <i>Vice-President,</i>		1881-
Chester A. Arthur, <i>President,</i>		1882-
<i>Sec'y State,</i>	J. G. Blaine, . . .	1881-
	F. T. Frelinghuysen, . . .	1881-
<i>Sec'y Treas.,</i>	W. H. Windom, . . .	1881-
	C. J. Folger, . . .	1881-
<i>Sec'y War,</i>	R. T. Lincoln, . . .	1881-
<i>Sec'y Navy,</i>	W. H. Hunt, . . .	1881-
	W. E. Chandler, . . .	1882-
<i>Sec'y Interior,</i>	S. J. Kirkwood, . . .	1881-
	H. M. Teller, . . .	1881-

CABINETS OF THE PRESIDENTS.—(*Continued.*)

<i>Att'y-Gen'l,</i>	.	Wayne MacVeagh,	.	1881—
		B. H. Brewster,	.	1881—
<i>Post.-Gen'l,</i>	.	T. L. James,	.	1881—
		T. O. Howe,	.	1881—

VI

DATES OF ADMISSION OF THE STATES.

1.	Delaware; ratified the Constitution,	Dec.	3,	1787.
2.	Pennsylvania; " " "	"	13,	"
3.	New Jersey; " " "	"	19,	"
4.	Georgia; " " "	Jan.	2,	1788.
5.	Connecticut; " " "	"	9,	"
6.	Massachusetts; " " "	Feb.	6,	"
7.	Maryland; " " "	Apr.	28,	"
8.	S. Carolina; " " "	May	23,	"
9.	N. Hampshire; " " "	June	21,	"
10.	Virginia; " " "	"	25,	"
11.	New York; " " "	July	26,	"
12.	N. Carolina; " " "	Nov.	21,	1789.
13.	Rhode Island; " " "	May	29,	1790.
14.	Vermont; was admitted on	Mch.	4,	1791.
15.	Kentucky; " " "	June	1,	1792.
16.	Tennessee; " " "	"	1,	1796.
17.	Ohio; " " "	Nov.	29,	1802.
18.	Louisiana; " " "	Apr.	30,	1812.
19.	Indiana; " " "	Dec.	11,	1816.
20.	Mississippi; " " "	"	10,	1817.
21.	Illinois; " " "	"	3,	1818.
22.	Alabama; " " "	"	14,	1819.
23.	Maine; " " "	Mch.	15,	1820.
24.	Missouri; " " "	Aug.	10,	1821.
25.	Arkansas; " " "	June	15,	1836.
26.	Michigan; " " "	Jan.	26,	1837.
27.	Florida; " " "	Mch.	3,	1845.
28.	Texas; " " "	Dec.	29,	"
29.	Iowa; " " "	Dec.	28,	1846.
30.	Wisconsin; " " "	May	29,	1848.
31.	California; " " "	Sept.	9,	1850.
32.	Minnesota; " " "	May	11,	1858.
33.	Oregon; " " "	Feb.	14,	1859.
34.	Kansas; " " "	Jan.	29,	1861.
35.	West Virginia; " " "	June	19,	1863.
36.	Nevada; " " "	Oct.	31,	1864.
37.	Nebraska; " " "	Mch.	1,	1867.
38.	Colorado; " " "	Aug.	1,	1876.

VII

VOTES IN PRESIDENTIAL ELECTIONS.

Year.	President.	Elec- toral Vote.	Popular Vote.	Vice-President.	Elec- toral Vote.
1789	Geo. Washington..	69			
	John Adams.....	34			
	John Jay.....	9			
	R. H. Harrison...	6			
	J. Rutledge.....	6			
	Jno. Hancock.....	4			
	Geo. Clinton.....	3			
	S. Huntington....	2			
	Jno. Milton.....	2			
	Benj. Lincoln.....	1			
	J. Armstrong.....	1			
	E. Telfair... ..	1			
1793	Geo. Washington..	132			
	John Adams.....	77			
	Geo. Clinton.....	50			
	Thos. Jefferson...	4			
	Aaron Burr.....	1			
1797	John Adams.....	71			
	Thos. Jefferson....	68			
	Thos. Pinckney. .	59			
	Aaron Burr.....	30			
	Sam'l Adams.....	15			
	Oliver Ellsworth...	11			
	Geo. Clinton.....	7			
	John Jay.....	5			
	Jas. Iredell.....	3			
	Geo. Washington..	2			
	John Henry.....	2			
	S. Johnson.....	2			
	C. C. Pinckney....	1			
1801	Thos. Jefferson....	73			
	Aaron Burr.....	73			
	John Adams.....	65			
	C. C. Pinckney....	64			
	John Jay.....	1			
1805	Thos. Jefferson....	162	....	Geo. Clinton.....	162
	C. C. Pinckney....	14	....	Rufus King.....	14
1809	James Madison....	122	....	Geo. Clinton.....	113
	C. C. Pinckney....	47	....	Rufus King.. .	47
	Geo. Clinton.....	6	....	James Madison....	3
				John Langdon....	9
				James Monroe....	3

VOTES IN PRESIDENTIAL ELECTIONS.—(Continued.)

Year.	President.	Elec- toral Vote.	Popular Vote.	Vice-President.	Elec- toral Vote.
1813	James Madison....	128	....	Elbridge Gerry....	113
	De Witt Clinton...	89	....	Jared Ingersoll....	86
1817	James Monroe....	183	....	D. D. Tompkins..	183
	Rufus King.....	34	....	J. E. Howard....	22
				Jas. Ross.....	5
				Jno. Marshall....	4
				R. G. Harper	3
1821	James Monroe....	231	....	D. D. Tompkins..	218
	J. Q. Adams.....	1	....	R. Stockton.....	8
				D. Rodney.....	4
				R. G. Harper.....	1
				Rich'd Rush.....	1
1825	J. Q. Adams.....	84	105,321	John C. Calhoun..	182
	Andrew Jackson...	99	155,872	Nathan Sanford...	30
	W. H. Crawford..	41	44,282	Nath. Macon.....	24
	Henry Clay.....	37	46,587	Andrew Jackson...	13
				M. Van Buren	9
				Henry Clay.....	2
1829	Andrew Jackson...	178	647,231	J. C. Calhoun....	171
	J. Q. Adams.....	83	509,097	Rich'd Rush.....	83
				Wm. Smith.....	7
1833	Andrew Jackson...	219	687,502	M. Van Buren....	189
	Henry Clay.....	49	530,189	Jno. Sargent.....	49
	Wm. Wirt.....	7	33,108	A. Ellmaker.....	7
	Jno. Floyd....	11	....	Henry Lee.....	11
				Wm. Wilkins....	30
1837	M. Van Buren....	170	761,549	R. M. Johnson....	147
	W. H. Harrison...	73	736,656	F. Granger.....	77
	H. L. White.....	26		Jno. Tyler.....	47
	Dan'l Webster....	14		Wm. Smith.....	23
	W. P. Mangum ...	11			
1841	W. H. Harrison...	234	1,275,017	Jno. Tyler.....	234
	M. Van Buren....	60	1,128,702	R. M. Johnson....	48
	J. G. Birney.....	..	7,059	L. W. Tazewell...	11
				J. K. Polk.....	1
1845	Jas. K. Polk.....	170	1,337,243	G. M. Dallas.....	170
	Henry Clay.....	105	1,299,068	T. Frelinghuysen..	105
	J. G. Birney.....	..	62,300		
1849	Zachary Taylor....	163	1,360,101	M. Fillmore.....	163
	Lewis Cass.....	127	1,220,544	W. O. Butler....	127
	M. Van Buren....	..	291,263	C. F. Adams.....	
1853	Franklin Pierce....	254	1,601,474	W. R. King.....	254
	Winfield Scott....	42	1,386,578	W. A. Graham....	42
	J. P. Hale.....	..	156,149	G. W. Julian.....	

VOTES IN PRESIDENTIAL ELECTIONS.—(Continued.)

Year.	President.	Elec- toral Vote.	Popular Vote.	Vice-President.	Elec- toral Vote.
1857	Jas. Buchanan.....	174	1,838,169	J. C. Breckinridge.	174
	J. C. Fremont.....	114	1,341,264	W. L. Dayton.....	114
	M. Fillmore.....	8	874,534	A. J. Donelson....	8
1861	Abraham Lincoln..	180	1,866,352	Hannibal Hamlin..	180
	J. C. Breckinridge.	72	845,763	Joseph Lane.....	72
	S. A. Douglass....	12	1,375,157	H. V. Johnson....	12
1865	John Bell.....	39	589,581	Edw. Everett. ...	39
	Abraham Lincoln..	212	2,216,067	Andrew Johnson..	212
	Geo. B. McClellan.	21	1,808,725	G. H. Pendleton..	21
1869	U. S. Grant.....	214	3,015,071	Schuyler Colfax...	214
	Horatio Seymour..	80	2,709,613	F. P. Blair, Jr....	80
	U. S. Grant.....	286	3,597,070	Henry Wilson....	286
1873	Horace Greeley...	..	2,834,079	B. G. Brown.....	47
	Chas. O'Connor...	..	29,408	J. Q. Adams....	..
	Jas. Black.....	..	5,608	A. H. Colquitt....	5
	T. A. Hendricks..	42	....	J. M. Palmer	3
	B. G. Brown.	18	....	G. W. Julian....	5
	C. J. Jenkins.....	2	....	T. E. Bramlette..	3
	David Davis.....	1	....	W. S. Grosbeck...	1
				W. B. Machen....	1
				N. P. Banks.....	1
				W. A. Wheeler....	185
1877	R. B. Hayes.....	185	4,033,950	T. A. Hendricks...	184
	S. J. Tilden.....	184	4,284,885	S. F. Cary.....	..
	Peter Cooper.....	..	81,740	R. T. Stewart.....	..
1881	G. C. Smith.....	..	9,522	C. A. Arthur.....	214
	J. A. Garfield	214	4,442,950	W. H. English....	155
	W. S. Hancock...	155	4,442,033	B. J. Chambers....	..
	J. B. Weaver.....	..	306,867		
	Scattering	..	12,576		

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